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**TESTIMONY, RESISTANCE, AND SEXUAL VIOLENCE: TOWARDS A
POLITICAL THEORY OF TESTIMONY AS A DEMOCRATIC PRACTICE**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICS

with an emphasis in HISTORY OF CONSCIOUSNESS

by

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December 2023

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Abstract

Testimony, Resistance, And Sexual Violence:
Towards A Political Theory of Testimony as A Democratic Practice

Natali Levin Schwartz

The #MeToo movement has illuminated how sexual violence continues to be an urgent problem with both ethical and political implications. In the U.S. and elsewhere, sexual violence is one of the most pervasive yet underreported crimes that disproportionately impact women, especially those from marginalized communities. Moreover, as feminist scholars have criticized, when women seek to expose these harms, they risk being disbelieved, interrogated, and left feeling isolated, ashamed, and disempowered. Given the prevalence of sexual violence and the normative implications that it carries, what tools are available to confront it?

This project develops a novel theory of civic testimony to illuminate how some practices of testimony can help women and marginalized communities struggle against sexual violence and for a more egalitarian society aligned with feminist ethics. Building on feminist theory, democratic theory, and interdisciplinary work on testimony, this dissertation theorizes the potential testimonies carry to promote multiple ethical and political ends. These include asserting epistemic authority, claiming political agency, generating solidarity, advancing awareness and calls for change, and mobilizing political action. These insights are drawn from an examination of how women have used different forms of testimony in the official legal realm and through civil society channels. Specifically, this study focuses on contemporary court cases, the anti-rape

movement in the 1970s in the U.S., and the digital arena through the case of the Facebook page “One of One” in Israel. This analysis supports arguments for improving legal processes related to legal testimony but turns a spotlight on civil society as the site with the greatest potential for testimonies to operate as democratic tools that can empower movements and fuel social change. Moreover, it argues that civic testimonies are vital for informing and radicalizing civil society itself. Thus, they can play a key role in advancing the goals of egalitarian democracy. Democratic citizens, social justice advocates, and scholars need to recognize how and why civic testimonies can do dramatic work and become catalysts for democratic resistance and egalitarian change.

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Since my first days in graduate school, I was told to remember that writing a dissertation is a marathon, not a sprint. Indeed, it was a long and uncertain route with many detours and challenges, but also hope, excitement, and so many good people without whom this project would have never come to fruition.

Writing about traumatic experiences such as sexual violence has its own set of difficulties. Yet, in the face of darkness, this project sought to turn a spotlight on moments of bravery, courage, and hope. This would not have been possible without you, survivors of sexual violence. Thank you for speaking up for yourself and for all of those who can't. Thank you for struggling for a world in which all people could be safe and prosperous. Thank you for entrusting us with your testimonies. Your voices inspired and guided this project, and I hope I did justice to you.

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Different parts of this project were presented in multiple annual meetings of the Western Political Science Association, Midwest Political Science Association, American Political Science Association, Law and Society Association, and the Association for Political Theory. I also had the pleasure of presenting my work at Vienna's University Summer School and a workshop on New Directions in Law and Society. I am grateful to the participants, co-panelists, discussants, and audiences in each of these forums who engaged with my work and helped me to refine it.

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the strength and motivation to push through the last bits of it. I hope I made you proud and that in the world you will inhabit when you grow up, the issues I discuss here won't be a concern anymore. Finally, I want to thank my beloved husband, Avshalom. I would need an entire book to list all the things I am grateful for, and even that would not be enough. This dissertation is as much your achievement as it is mine. You pushed me to dare, encouraged me to move forward, and were my greatest cheerleader when I succeeded. You were there to give advice, feedback, and support in all the stages of the process, from preparing for the GRE to writing this acknowledgment. But more than anything else, you are making my life so much fuller and happier. You are my best friend, and I cannot imagine anyone else with whom I would want to spend this life.

1. Introduction: the problem of sexual violence and the potential of testimony

I. The problem: sexual violence as a political and social issue

The magnitude of the problem

Sexual violence has long been one of the most pervasive crimes in many countries, and it affects women and girls at disproportionate rates. In the U.S., one in five women has experienced a completed or attempted rape (S. G. Smith et al. 2018), and 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault in their lifetime (Kearl 2018). The data concerning the scope of sexual violence on a global scale is even more alarming. According to World Health Organization's (WHO) analysis from 2000-2018 across 161 countries and areas, nearly 30% of women have been subjected to physical and/or sexual violence by an intimate partner or non-partner sexual violence or both, and this data doesn't include incidents of sexual harassment (WHO 2021).

Despite the prevalence of this problem, the United Nations estimates that more than 72 countries still do not have laws specifically addressing the issue of sexual violence. This absence, together with other factors, contributes to low reporting rates to the authorities. For example, a study by UN Women found that as few as 10% of rapes are actually reported to authorities worldwide and that the countries with the lowest rape statistics are those that have no or minimal systems in place for victims of

rape or sexual assault to come forth (Facts and figures n.d.). However, even in countries like the U.S., with established legal mechanisms and systems of support for victims/survivors,¹ sexual violence is massively underreported. As the National Crime Victimization Survey from 2018 shows, sexual assault remains the most underreported crime in the U.S., with only 25% of incidents reported to the police (Benner 2019), and similar rates appear in the criminal victimization reports from 2019 and 2020 (Morgan 2020).

Underreporting is particularly common among marginalized communities such as LGBTQ individuals, people with disabilities, certain religious minorities, and rural populations. Concerning sexual minorities, in particular, studies suggest that around half of transgender people and bisexual women will experience sexual violence at some point in their lifetime (Sexual Assault and the LGBTQ Community n.d.).² This finding is highly troubling, especially when we take into account the added obstacles faced by LGBTQ individuals in addressing this problem, including harmful stereotypes.³

¹ This project uses both terms victim and survivor when referring to those who experienced sexual violence. While some may align only with one of these terms, I choose to use both in order to hold the fact that it is a crime that the victim is not responsible for, together with the sense of empowerment that the concept of survivorship entails.

² According to the National Intimate Partner and Sexual Violence Survey, lesbian women are at a similar risk to heterosexual women, but bisexual women are at a substantially higher risk of experiencing different forms of sexual violence. For instance, rates for those experiencing coerced rape, sexual assault, or non-contact unwanted sexual experiences were similar for heterosexual (43.3%) and lesbian women (46.4%) and higher for bisexual women (74.9%). Similarly, according to the US Transgender Survey, 47% of respondents reported that they had experienced a sexual assault or rape within their lifetime (Messinger and Koon-Magnin 2019).

³ It is important to note that while many of the arguments offered by this study are applicable to cases involving members of the LGBTQ community, it doesn't capture the unique circumstances and challenges faced by LGBTQ individuals. For example, while all victims/survivors of sexual violence may be subjected to victim-blaming and disbelief due to harmful stereotypes, there are LGBTQ-specific

Specifically, while the rates of reporting to law enforcement are generally low, official complaints by sexual minorities are even more rare, for example, according to a study conducted by Richardson et al. (2015), none of the sexual minority participants who indicated that they had experienced sexual violence reported that they made a formal disclosure; this is in contrast to nearly 11% of heterosexual respondents who did file a complaint. The low reporting rates among the general population and marginalized communities are perhaps not very surprising, given the numerous challenges victims/survivors face when they seek to address the harms of sexual violence.

Defining sexual violence

The difficulty of addressing sexual violence starts on the definitional level when confronting the question of what sexual acts are considered harmful, unacceptable and/or illegal. To avoid limiting our theoretical insights to narrow legal definitions of specific crimes such as sexual assault or rape, this project uses the extended term “sexual violence” to include various forms of physical and non-physical violation of persons’ bodies. The WHO definition of sexual violence helps indicate the general contours of what is included in the broad category of sexual violence. According to this definition, sexual violence refers to:

Any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced

myths that are used to justify violence against the members of the community (Schulze, Koon-Magnin, and Bryan 2019). For work focusing on the manifestation of sexual violence and the efforts of addressing it in the context of LGBTQ community, see, for example, (Jordan, Mehrotra, and Fujikawa 2020; Messinger and Koon-Magnin 2019).

or otherwise coerced penetration of the vulva or anus with a penis, other body part or object, attempted rape, unwanted sexual touching and other non-contact forms (WHO 2021).

The WHO definition is helpful because it shows how multifaceted sexual violence is, encompassing acts that range from verbal harassment to forced penetration and including but not limited to harmful activities such as rape within marriage or dating relationships as well as rape by strangers or acquaintances, unwanted sexual advances, sexual harassment, sexual abuse of children, and ‘customary’ forms of sexual violence, such as forced marriage or cohabitation and wife inheritance. It also allows us to see that sexual violence involves various types of coercion, from social pressure and intimidation to physical force (in contrast to more conservative definitions that focus solely on physical coercion.)

This project focuses mainly on three forms of sexual violence: rape, sexual assault, and sexual harassment. The definition of each is contested and depends on whether one approaches these through a legal lens or some other framework. To have some baseline, though, we can refer to definitions offered by the Center for Disease Control and Prevention. It defines *sexual violence* as “a sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse.” As part of that, *sexual assault* refers to a situation in which someone was forced to do sexual act against their will and without their consent, and *sexual harassment* includes verbal sexual harassment (e.g., sexually explicit talk, homophobic slurs, repeated requests for a date after a person has said no), cyber sexual

harassment (the use of text/phone and Internet to harass sexually), and physically aggressive sexual harassment (flashing or indecent exposure, being physically followed and being touched or brushed up against in a sexual way without consent) (Kearl 2018).

Additionally, this project conceptualizes sexual violence as a social and political issue that:

- a) reflects and reproduces asymmetrical power relations and
- b) arises from specific understandings of gender and sexuality and the intersection of these with other oppressive categories such as class and race.

This conceptualization has two implications. First, it asserts that sexual violence couldn't be attributed solely to the personality, illness, evilness, or other traits of individual perpetrators. Instead, it is a product of social and political structures perpetuating the idea that some bodies could be given to others by normalizing asymmetrical power relations. In other words, without eliminating the personal responsibility of those committing harmful acts, this project builds on scholarly work that moves away from analyses of individuals' pathologies toward an examination of power relations and the ways in which sexual violence has roots in histories of sexism and misogyny.⁴ This scholarship reveals that sexual violence is both a cause and a consequence of inequality and that "sexual violence—of different forms, against different bodies, and across locations and time—maintains and creates power asymmetries" (Armstrong, Gleckman-Krut, and Johnson 2018, 100).

⁴ This approach is well established in the feminist literature on rape and sexual violence. See, for example, (Armstrong, Gleckman-Krut, and Johnson 2018; A. Y. Davis 2021; MacKinnon 2021)

The understanding that sexual violence is about domination and not simply an individual behavioral problem is, in many ways, a product of radical feminist analysis from the 1970s. As we shall see in Chapter Three, radical feminists conceptualized rape and other forms of sexual violence within a broader structure of male domination of women, and radical feminist of color also emphasized the problematic intersections between sexism and racism. Contemporary scholarship accepts the general idea that sexual violence revolves around issues of domination but points to the shortcomings of limiting the analysis to gender. Here we arrive at the second implication of the conceptualization of sexual violence I adopt. This project builds on an intersectional approach that acknowledges how sexual violence is not only a result of gender inequality and is not only a product of misogyny and sexism but stems from the intersection of different forms of oppression and inequalities (see, for example, Armstrong, Gleckman-Krut, and Johnson 2018; Crenshaw 1994; Hill Collins and Bilge 2016; Kessel 2022). As the discussions in each chapter reveal, the perception of who can be raped, who can talk about being violated, who is taken seriously, how one should speak up against sexual violence, and who can be held accountable for this crime are all enmeshed in broader issues concerning the unequal distribution of privileges and entitlements in the society.

While acknowledging how racism, heteronormativity, ableism, capitalism, as well as other systems of oppression partake in justifying sexual violence and making some bodies more vulnerable to both the occurrence of sexual violence and the mistreatment

when addressing it, this project recognizes gender and ideologies regarding sexuality as key factors of the analysis. I agree that gender cannot tell us the whole story of the prevalence of sexual violence and the challenges of struggling against it. However, I also want to caution against discounting gender or treating it as just one of many variables. Empirical studies support this position. For instance, Kearns et al.'s (2019) study suggests that gender inequality still represents a key societal-level factor associated with sexual violence among women and men. Similarly, an ecological approach to gender-based violence (which takes into account the combination of factors on individual, family, community, and societal levels) finds that societies with the highest rates of sexual violence are those with rigid definitions of gender roles and concepts that link masculinity to ideas such as toughness, male honor, or dominance (Ellsberg and Heise 2005, 24). Accordingly, there is an increasing international consensus that the abuse of women and girls should be considered gender-based violence as it largely stems from women's subordinated status in society with regard to men (11).

Yet, a common trend in some contemporary literature is to move away from gender analysis when discussing sexual violence. For instance, in her critique of the radical feminists' focus on gender in the analysis of rape culture, Kessel (2022, 137) argues that focusing on gender "impedes analysis that can recognize rape and the threat of rape as exertions of power (specifically, of discipline and control) over *anyone* in a structurally subordinate position within white heteropatriarchal society." However, in

the endeavor to correct the neglect of race and heteronormativity by radical feminists, such an approach undermines the role played by long-standing and pervasive ideologies of gender and sexuality in perpetuating this problem. As the data above shows, even if anyone is vulnerable, those most impacted by sexual violence have been and continue to be women, girls, and sexual minorities. In all these cases, we cannot ignore the role of harmful stereotypes and problematic understandings of sex, gender, and sexuality in justifying and normalizing sexual violence.

Thus, while embracing the important insights offered by intersectional frameworks, this project focuses on how sexual violence targets women's bodies and is based on gender myths and misogyny and how these intersect with other oppressing categories. In particular, it focuses on the challenges women face when they speak up to address the harms of sexual violence. Too often, women are undermined, discredited, and silenced when they testify against the violation of their bodies, both in the courts of law and the public court of opinion. It is true that all victims/survivors are susceptible to being mistreated when speaking their truth. However, as Alcoff and Gray (1993) argue, silencing strategies vary by gender. In the case of women, "the violations and silencing of women and children are intrinsically connected to the societal system of male dominance and ancient structures of asymmetrical discursive relationships," thus, for example, "while a young girl may not be believed or may be called crazy when she discloses incest, a young boy is more likely to be silenced through homophobia" (265). Building on this and other foundational work in the field of sexual violence, this project

emphasizes the role of gender beliefs in impeding women from voicing the harms of sexual violence and the different ways through which women overcome and dismantle these harmful practices.

Struggling against sexual violence: the role of women's speech

Given the magnitude of the problem, the pressing question is, what tools are available for women to struggle against sexual violence and for a society aligned with feminist ethics⁵ and greater equality? Historically, there was a lot of shame surrounding sexual violence, and women felt isolated and alone when dealing with the trauma and other consequences of sexual violence. Yet, there were also numerous efforts to expose and struggle against it. Looking at the histories of many countries, we can see how women mobilized to promote new legislation and policies. They worked to undo harmful stereotypes and offered alternative cultural perceptions of women's sexuality and their role in society more broadly. Women struggled through protests, political mobilization, raising awareness campaigns, literary representation, art installments, and, recently, digital activism. In all these endeavors, the speech of those who have experienced sexual violence, whom I refer to as victims/survivors, stands out as a significant tool for breaking the silence around sexual violence and fighting to provide greater support

⁵ This project draws on Alison Jaggar's (2013) conceptualization of feminist ethics as one that, first, utilizes the categories of gender and other inseparable categories of social difference and hierarchy on the levels of theoretical as well as practical ethics. Second, it enlarges the domain of ethics to undertake the ethical analysis of ethical analysis, the ethical theory of ethical theory. And finally, feminist ethics is distinguished by its self-reflectiveness.

to the victims/survivors. Despite the risks and challenges, “women have always, it turns out, talked about sexual violence, fought it, struggled to write it and say it. Women have fought to tell it to themselves [...] It has been what it means to live in a body seen as sexually violable, and in a society in which power is dramatically skewed” (Kindig 2018, 20).

In the context of the U.S., as early as the 19th century, white women who struggled to abolish slavery started to question their exclusion from the public sphere and their lack of legal and political rights, including rights over their bodies (Bevacqua 2000, 19; Hasday 2000). However, the first direct outcry against sexual assault as systematic abuse of women came from black women who began protesting the lynching and sexual violence that marked the Emancipation era of the mid-to-late 1800s (Freedman 2013, chap. 4). In fact, the black women who testified before Congress after the 1866 Memphis Riots about being gang-raped by a white mob were probably the first women in the U.S. to publicly break the silence about rape on the national political stage (McGuire 2004). Yet it was only during the 1970s when stories of sexual suffering by victims/survivors grew “from being insignificant to widespread” (Serisier 2018, 24). Since then, it has become more common for women to be able to speak out about rape, at least in some circles. As Serisier notes, "From Reclaim the Night marches to feminist testimonials, feminist anti-rape activism has been primarily and fundamentally concerned with women’s storytelling. Similarly, key feminist reforms and campaigns have focused on increasing the ability of women to speak out about violence in various

forums" (Serisier 2007, 85). Recently, with the rising popularity of tools like Facebook and Twitter, survivors' speech increasingly finds its home in digital arenas and reaches audiences on a previously unimaginable scale all around the world.

We cannot deny the fact that women are talking today about their experiences more than ever. Yet it is less clear what impact these stories have and what political work they do or can do. As Alcoff (2018, 60–61) rightfully argues, "It is not speaking in and of itself that produces the productive echoes leading to social change, but the specific circumstances of speech: where it originates, where it is transmitted, how it is taken up, how it is understood, and by whom." Given this, she invites theorists to think, "How can we take advantage of the new focus on rape and sexual violence and push toward more understanding and more effective resistance?" (40) This project responds to Alcoff's invitation by focusing on survivors' testimonies and theorizing their political role in raising greater social awareness and will to end sexual violence and promote a more just and egalitarian society.

Applying the framework of testimony to women's speech

It is the conviction of this project that to address Alcoff's call and understand the specific circumstances that make survivors' speech more or less effective, we should be precise with how we identify and study this speech. Instead of conceptualizing it in the general terms of speech or narrative, I argue that there is a need to recognize and study it as a form of *testimony*. Not only does such an approach reflect more closely the characteristics of this form of speech, but it also allows to connect survivors'

testimonies about sexual violence to other histories and learn from other experiences where survivors' testimonies were vital for achieving multiple goals, such as ending state violence, exposing atrocities, or constituting ethical witnessing to others' suffering.

Moreover, given the multifaceted nature of the practice of testimony, referring to survivors' speech as a testimony allows us to examine the practice of speaking about sexual violence in relation to different modalities and spheres. In modern societies, we come to associate testimony to sexual violence and other harms most closely with the law. Yet, it is much more than a legal mechanism as it also implicates issues related to epistemology, ethics, and politics. Hence, calling survivors' speech a testimony enables us to explore this speech in relation to these different aspects and illuminate the kind of work it does or doesn't do for the victims/survivors and society. For example, as a legal mechanism, the practice of testimony must obey a specific set of legal rules and standards that are not designed to take into account the well-being of the victims/survivors, nor to confront the larger societal problem of sexual violence. Therefore, some feminist legal reforms tried to make the process of bearing witness less traumatizing to the victims/survivors. However, as a form of civic and political speech-act,⁶ outside courtrooms, testimony can do things in the world that exceed its purpose of giving evidence, like giving voice to women to claim their political rights or providing the means to find and expose truths or building solidarity and movements.

⁶ As defined by Austin (2009, 12). According to him, "to say something is to do something; or in which by saying or in saying something we are doing something."

Furthermore, testimony in social and civic spaces is a relational practice that constitutes a unique ethical relationship of responsibility and care between the listeners and the speakers. These are just a few examples of some of the functions of testimony discussed in the literature of testimony, on which I will elaborate in the next section. *This project brings these insights together with the literature on sexual violence to think about the transformative potential that testifying to sexual violence carries both for the victims/survivors as well as the society more broadly.*

Before moving on, however, it is vital to emphasize that this project does not claim that victims/survivors *must* speak up against sexual violence. Not everyone can or wants to speak up. There are many risks involved in this process, such as reliving the trauma, dealing with a lack of support, disbelief, and societal stigma, and in some cases, even physical threats by the perpetrator. Even without these risks, some victims/survivors may want to move on and leave behind these painful memories of the past. On the contrary, there are others who may want to speak up, but their voice is suppressed and marginalized due to additional barriers related to their race, class, nationality, or other aspects that make it harder to be heard.

Moreover, this project acknowledges that not all testimonies are transformative or politically progressive. As I discuss in the concluding chapter, there are historical examples of the abuse of testimonies to serve racist agendas, such as the case of false testimonies by white women against black men during the Reconstruction era that were used to justify violence and lynching. Yet, many victims/survivors do speak up against

sexual violence, and there are numerous examples in which testimonies were crucial vehicles for developing critical theory and inspiring political agendas and courses of action aimed at confronting and ending sexual violence. This is the case of the anti-rape movement that stands at the center of the third chapter. Examining these moments could be instructive for individuals and activists struggling against this problem today. Hence, this project focuses on cases where women testified (voluntarily) to combat sexual violence and, by doing so, achieved important outcomes from which we can all learn today.

II. What testimony is, and what can it do?

What is a testimony?

We live in a world where testimony is a widespread practice that is used for a variety of ends, such as legal redress, exposure of injustices, the attraction of international attention to atrocities, raising sympathy towards and awareness of social problems, and offering a psychological catharsis. This proliferation of testimonies began in the 20th century. Though the concept and the practice of testimony were not invented during this time,⁷ the two World Wars, and especially the horror of the Nazi regime, have

⁷ For example, we can think about testimonies of the victims/survivors of the plague in the early modern era or eyewitnesses' accounts of the Lisbon earthquake in 1755. Other examples of the use of testimonies prior to the 20th century are testimonies that documented the experiences under colonialism, a practice that was prevalent since at least the 18th century; as well as the autobiographic stories of British abolitionists who are considered as the first humanitarian activists of the modern era (Givoni 2016, 99–100). However, what was at the margins became the mainstream approach to dealing with social and political vicissitudes during the 20th century.

established testimony as one of the key avenues to grapple with daunting human conditions. From the diaries of soldiers coming back from the battlefields during WWI to the stories of destruction, degradation, and heroism in the concentration camps, the testimonies of those who were ‘there’ gave voice to a troubled era.

The rising role of testimony and its institutionalization in different projects was not limited to the Western world nor bound by the catastrophe of the Holocaust. With the establishment of institutions such as Truth Commissions, testimonial projects were employed to deal with mass atrocities and ethnic conflicts in regions such as Sub-Saharan Africa and played a pivotal role in the transition from communism and authoritarian regimes to democratic rule during the late 1980s in Eastern Europe and Latin America, respectively. In light of that, some scholars have characterized the 20th century as the ‘era of witnessing’ (Wieviorka 2006).

The 21st century continues this trend as testimony remains a prominent tool for individuals and collectives in their struggles against violence and injustices. New technologies and social media, in particular, provide new possibilities to bear witness and testify to personal, social, and political issues. One contemporary example is the #MeToo campaign that both emerges from testimonies and uses them to raise awareness of the prevalence of sexual violence and, in some cases, to shame and condemn perpetrators publicly.

Accordingly, since the middle of the 20th century, the concept of testimony has received much scholarly attention. Scholars from many different disciplines, such as

epistemology, literature, trauma studies, holocaust studies, and transitional justice, have attempted to understand the nature, possibilities, and limitations of the practice of testimony while exploring its various, often contradicting, aspects. Given the heterogeneity of testimonial practices in the empirical world, the definition of testimony and the conceptualization of its functions depends greatly on the observed phenomenon and the disciplinary prism through which one approaches it. Hence, to answer the question of what testimony is, it would be almost impossible to provide one consolidated definition. Instead, we should attend to the insights into the epistemic, ethical, and therapeutic aspects of the practice of testimony generated by these diverse inquiries.

In what follows, I offer several conceptions or definitions of the practice of testimony that are useful for theorizing the meaning, functions, and limitations of giving testimony to sexual violence. I start with the definition of testimony as evidence-giving. This first conception is associated most closely with the legal sphere, which, for many, is the common arena for bearing witness to crimes and harms. Overlapping with this definition are understandings of testimony as knowledge-sharing that can occur in everyday contexts. From here, I move to two other specific meanings of testimony in the context of trauma and violence. According to the second conception, testimony is an ethical practice of witnessing, and according to the third, testimony is a tool for voicing a collective story of suffering. These conceptions of testimony are not exhaustive, as there are other forms of experience that testimony bears witness to.

For instance, testimony in a religious context is seen as a practice enacted by the figure of the “martyr” who attests to the existence of God and whose death stands as a testimony to his belief (Fassin 2008, 541–45; Givoni 2011, 156; Ricœur 2010, 231). For our purposes, however, the three definitions presented here are a good place to start our inquiry into the role of testimony in ending sexual violence and influencing broader social, cultural, legal, and political changes.

Testimony as evidence-giving and knowledge-sharing in formal and everyday exchanges

The seminal work, “Testimony: A Philosophical Study” (2002), by the philosopher of epistemology, C.A.J. Coady, is a good place to start defining testimony. Building on Austin’s speech-act theory, Coady argues that testimony is a form of speech act and distinguishes between formal (legal and quasi-legal) and natural (everyday) types of testimony. The former refers to settings such as a courtroom or commission of inquiry of some sort, whereas the natural testimony is “to be encountered in such everyday circumstances as exhibit the 'social operations of mind: giving someone directions to the post office, reporting what happened in an accident, stating that, yes, you have seen a child answering to that description, telling someone the result of the last race to the latest cricket score" among others (33, 38). In that, the formal testimony presumes formal recognition of the speaker as a witness and prioritizes firsthand witnesses. Ahmed’s definition of testimony in the context of filing an official complaint against sexual violence elaborates on the function of testimony in this setting. She writes, “A

testimony can refer to an oral or written statement given in a court of law. The purpose of testimony in such a setting is to provide evidence; testimony is used to establish what happened, the facts of the matter of the truth. Testimony is also what is required to identify an injustice, a harm, or a wrong” (Ahmed 2021, 39–40)

Importantly, the formal and the natural types share many traits. Specifically, in both cases, testimony serves as *evidence* by a person who has certain competence, authority, or credentials over the matter at hand. Coady clarifies, "In the case of testifying, of either the formal or informal variety, the way of achieving the point is through the speaker's status as one having a particular kind of authority to speak to the matter in question, a matter where evidence is required” (2002, 43). This is also what distinguishes testifying from other speech acts, such as arguing, asserting, or objecting, where the acceptance of the speech is independent of the status that the speaker has as a witness.

Overlapping somewhat with this definition of testimony as evidence-giving is the idea of testimony as knowledge-sharing. Many philosophers of epistemology take Coady’s definition—and especially the emphasis on the speaker’s authority—as their starting point and examine the epistemic conditions of both giving and receiving testimony. For example, the prominent social epistemologists Miranda Fricker and José Medina focus on testimony as an everyday experience of exchanging statements of knowledge and use it as a site through which they examine issues of epistemic injustices.

Medina provides the following definition of testimony to describe,

Any kind of telling in and through which the expression and transmission of knowledge becomes possible. Testimonial exchanges are those in which communicators participate as knowers and possible epistemic benefits can be obtained. These exchanges can be more or less explicit, more or less formal and structured, and more or less articulated (ranging from silences and inchoate expressions to sophisticated propositional and discursive structures). Testimonial knowledge can be obtained through a wild variety of interactions [...] (Medina 2013, 29).

Unlike the very general definition offered by Coady, which includes under the realm of testimony mundane exchanges like reporting a score of a game, Medina, as well as Fricker and others influenced by their work, use everyday situations of testimonial exchanges to explore epistemic harms and the relationship between them and broader issues of social power and social injustices. For them, how one's testimony is received by the hearers—for instance, the credibility bestowed to the speaker as a knower or the credibility deficit the speaker suffers from—is inseparable from the status one occupies in the social and political realm.

In this vein, Fricker (2007) famously articulates the concept of testimonial injustice to capture how identity prejudice and stereotypes undermine the authority of speakers coming from social groups that hold less social power. Similarly, Medina's (2013) work illuminates how social and political injustices breed epistemic injustices as members of subordinated groups are given less epistemic authority and credibility. According to him, testimonial injustice involves "a lack of proportionality in the appraisals of

epistemic qualities such as credibility” (57) when members of disadvantaged groups endure epistemic deficit while subjects with more privileges enjoy epistemic excess.

Medina’s and Fricker’s conceptualizations of testimony are productive for thinking about testifying to sexual violence because they point to the ways in which testimonial failure implicates ethical and political issues related to mistreating individuals from marginalized groups due to asymmetrical power relations. As we shall see in Chapter Two, for example, one of the key challenges victims/survivors of sexual violence encounter when testifying before the law is credibility deficit due to rape myths and other gender biases. However, the focus on everyday exchanges does not necessarily capture the unique conditions of bearing witness to traumatic experiences such as the violation of one’s body. As Ahmed (2021, 41) rightfully notes, “To testify to a complaint, to what happened that led you to complain, to what happened when you complained, is almost always to testify to a traumatic experience.” Thus, to stand on the specificity of such cases, where the stakes of speaking or remaining silent are higher than in everyday exchanges, we should turn to the work that focuses precisely on the meaning of testimony in light of trauma, violence, and unimaginable horror.

Testimony as an act of ethical witnessing: creating space for the unknown, unspeakable, and incomprehensible

The second conception of testimony involves its affective and psychosocial functions as an act of ethical witnessing beyond the law. The catastrophe of the Holocaust and the testimonies that were given thereafter influenced prolific theoretical work on these

conceptions of the practice of testimony. One of the key theoretical developments is related to poststructural thinkers such as Jean François Lyotard and Giorgio Agamben, who reconceptualized the meaning of testimony and sought to liberate it from the legal constraints commonly associated with it (Givoni 2016, 15). Most crucially, instead of the judicial figure of the (eye)witness who provides evidence to settle a dispute, they foregrounded the ethical witness whose testimony testifies to what escapes the positivist modes of representation. Agamben (1999) makes this point clear when he distinguishes between two Latin terms for the English word witness—*testis* and *superstes*—which signify the legal eyewitness and the survivor, respectively.⁸ As part of that, he claims, the survivor’s testimony is concerned exactly with “everything that places human action beyond the law, radically withdrawing it from the Trial” (17).

In other words, with the Holocaust testimonies as a paradigmatic case, this theory sees testimony as an ethical practice that constitutes the witness as a responsible and sensitive figure whose voice represents unrepresentable truths, not a legal jury but to a social jury. This conceptualization entails two important insights that are worth underscoring. The first is the recognition of an epistemological gap between violent and traumatic events and their understanding and representation. The second concerns the key role of the listener in the testimonial scene. These two principles open the space

⁸ The first term *testis* (from which the English word "testimony" derives) signifies etymologically “the person who, in trial or lawsuit between two rival parties, is in the position of a third party.” *Superstes*, on the other hand, “designates a person who has lived through something, who has experienced an event from beginning to end and can, therefore, bear witness to it [...] he is survivor [superstite] in every sense” (Agamben 1999, 17).

for gaps, silences, and emotions, all of which are central aspects of testimonies given by victims/survivors of sexual violence.

According to the first, while positivist models of testimony, like the one that sees testimony as evidence, assume a linear relationship between reality and its representation, the Holocaust gives rise to a paradigm of a radical impossibility of representation (Felman and Laub 1991, 16, 224). Importantly, this impossibility does not impede the practice of testimony but, in fact, urges the witnesses to speak the truth of the horrific events, however incomplete and fragmented it is. Explaining this paradox, in the preface to his 'Remnants of Auschwitz' (1999), Agamben argues that the testimony to the Holocaust's catastrophe contains an essential lacuna since "the victims/survivors bore witness to something it is impossible to bear witness to" (13). Acknowledging this lacuna and suspending the urge to 'fill' it is the first ethical 'move' expected from the witness. Agamben further explains the lacuna of testimony through the relationship between the 'complete' witness and the victims/survivors who testify. According to him, the survivor-witness (for example, Primo Levi, who Agamben cites) receives his authority from the *muselmann*,⁹ who is the 'complete' witness. According to Agamben, even if one survived the camp and testifies to its terror, like Levi, he did not *fully* experience its logic and can only speak for those who did (65). Accordingly,

⁹ Literally, *muselmann* means the Muslim. In the camps, it is the 'shell men' who lost his consciousnesses and thus signified the blurred lines between a 'man' and 'non-man' or between life and death. According to Agamben (1999), the *muselmann* is a figure who experienced the camp in all of its forces, and thus, he is the complete witness. However, precisely because of that, he cannot be a witness (as he lacks the preceptive and linguistic tools)

Agamben adds a third meaning to the word witness: *auctor*.¹⁰ The latter “signifies the witness insofar as his testimony always presupposes something—a fact, a thing or a word—that preexists him, a reality and force must be validated or certified [...]” (150). So, for Agamben, an ethical witness is an author who is, in fact, only a co-author; he is a ‘proxy’ witness who mediates the truth of the ‘complete’ witness.

Although other theorists define this lacuna differently, they all hold that it obligates us to listen to the silences that each testimony entails and postpone our desire to ‘know’ it. Unlike the premise of establishing facts implicated in Coady’s definition from above, they believe that *testimony should strive to create space for the unknown, unspeakable, and incomprehensible*. Therefore, they highlight how testimony implicates emotions and sensibilities as affective ‘devices’ through which the listener is beholden by others and “feels the unknown” and literature and aesthetics as chief avenues to access the inaccessible. This speaks directly to the second insight regarding the centrality of a sensitive listener.

The work of Jean-François Lyotard is helpful for unpacking the second point. In “The Differend” (1988), Lyotard articulates the concept of a ‘Differend,’ to express an unbridgeable gap between heterogenic and conflicting genres of discourse. According to him, in a conflictual situation between dominant and marginalized genres of discourse, the result of the gap is that the marginalized side finds himself lacking the means to express the damage that was caused to him. Lacking the ability to express the

¹⁰ Originally, this word signified a person who intervenes on behalf of someone who did not have a stand, like a minor, and grants him a legitimacy (150.)

damage in the dominant idiom, the plaintiff suffers from a wrong and becomes a second-order victim: he can neither prove the inflicted damage nor the fact that this damage is inexpressible within hegemonic discourse (141). To respond to the ‘different,’ Lyotard calls to constitute an ethical witness in two stages. At first, Lyotard asks the witness to listen to the silences of the victims, identify the repressed, and mark idioms that cannot find their expression in the dominant discourse. Unlike the evidence-based testimony, here, both silence and emotions play a critical role in the constitution of the ethical witness and his engagement with the victim. In the second stage, “what is at stake in a literature, in a philosophy, in a politics perhaps, is to bear witness to the differends by finding idioms for them” (Lyotard 1988, 13). This means that the witness must trace the suffering that found no expression and look for ways and channels through which the silent utterances can be expressed (Ophir 1996, 160–64).

If so, Lyotard’s theory does not focus on the victims’ testimony (the claim that concerns specific damage) but on their inability to testify. As in the case of Agamben, Lyotard thinks through the paradigmatic example of the Holocaust and the inability of the victims/survivors to speak the truth of the gas chambers, for example, in the dominant [positivist judicial] idioms. Thus, similarly to Agamben’s ‘co-author,’ Lyotard constitutes an ethical figure who needs to bear witness (here, to differends) and open the space for voices that cannot formulate ‘hearable’ phrases. Therefore, it becomes clear that the practice of testimony depends on the witness’s sensitivity as a listener. The testimony of victims about the harms and damages they experienced

depends on the presence of and action taken by a third party who will enable them to be heard. Similarly, to convey the truth of the muselmann, Agamben's thought necessitates the existence of a co-author that takes upon himself the mission to speak for the muselmann's impossibility to speak.

From a different direction, influenced by poststructuralist writings and dealing with the effects of the Holocaust, psychoanalysis also foregrounds the centrality of the listener in the process of bearing witness to trauma. The origin of this approach could be found already in the work of Freud, described by Felman as an attempt to materialize the content of the unconsciousness testimony into the conscious realm (through dreams, for example) (Felman and Laub 1991, 16).¹¹ However one of the clearest connections between trauma, testimony, and the ethics of listening is found in Laub's (1991) work. There, he argues that speaking trauma without anyone to listen could intensify the traumatic experience and lead to feelings of isolation and alienation. Moreover, the listener is an essential factor in the understanding of the traumatic event, and in his absence, the story might remain unknown to the victim herself (67-69).

Yet, the listener is not always understood in concrete terms and could entail an indefinite and undefined audience. For instance, in its literary and aesthetic representations, testimony is addressed to infinite listeners across time and space. Building on Freud, Cathy Caruth, an influential poststructuralist literary scholar, explores the meaning of repressive trauma and how to work through it. According to

¹¹ According to Freud, to avoid melancholia, which he saw as pathology, and go through a 'normal' process of mourning, one needs to make trauma known through speech (Freud 1917).

her, trauma tends to haunt the victim and address itself to others to bear witness to it. Literary work is one of the prime domains where one releases the ‘ghosts’ of the past, and others can access them (Caruth 2016). Thus, Caruth and other literary scholars argue that literary and aesthetic genres are better equipped to speak for the fragmented and haunted memories of trauma. According to them, divorced from positivist epistemology, the literary medium enables something more than a representation of ‘what happened there;’ it illuminates the limitations of representation itself and invites the readers to grapple with and be affected by what is and is not told (see, for example, Caruth 2013; Felman 2013; Felman and Laub 1991; Felman 2014; Trinch 2010).

To summarize this conceptualization of testimony, thinking through the radical otherness of the Holocaust, poststructural thinkers foreground lacunas, silences, emotions, heterogeneity of voices, and sensitivity, among other themes, at the center of the practice of testimony. By doing so, they give the practice of testimony the power to reveal what often remains neglected in settings such as the courtroom. They also remove the practice of testimony from the realm of ordinary activities and situate it in the context of trauma and violence. Thus, instead of viewing testimony as evidence, facts, or reports of some kind, this approach troubles the very possibility of fully accessing traumatic content. Correspondingly, the witness under this approach is not

called to *testify* to some contested truth; rather, the prime task for these thinkers is to constitute testimony as an act of ethical *witnessing* of wrongs.¹²

This shift toward ethical witnessing carries important insights for thinking about testimonies of sexual violence. First and foremost, it problematizes the idea that testimony to traumatic experiences, such as sexual assaults, could or even should attempt to capture the entire universe of complete and detailed facts of what happened. Acknowledging the lacunas created by the trauma means postponing the urge to “know,” judge, or evaluate it and instead striving to listen to what escapes the speech. In doing so, this theory calls our attention to the ways in which bearing witness to the pain inflicted on one’s body entails not only epistemic issues but also serious ethical implications. Yet as we’ll see, the case of sexual violence also expands the realm of ethical witnessing to encompass the unique practice of “peer-to-peer” witnessing. Unlike the third-party witnesses in Agamben’s and Lyotard’s theories, the analyses in

¹² While this theory has been very influential, it did not escape criticism. For example, LaCapra (2001) problematizes the tendency “to become fixated” on trauma and warns that focusing on trauma as an always-open wound could lead to a rejection of any institutional change and discourage from trying to create alternative political opportunities. Others worry that the focus on the ethical witness fosters an individualized form of political action and supports neoliberal politics. According to Givoni, the idea of witnessing is grounded on an individualized form of “ethics of a self” (2016, 37), where the subject constitutes himself as a moral subject through the testimony to others’ suffering. Problematically, this works all too well with neoliberal policies that transfer responsibility from the government to private actors and non-governmental entities (25). Additionally, there is the concern that the focus on the ethics of testimony could redirect the attention from concrete harms and constitute testimony as an end in itself. In this vein, Givoni (2015) claims that post-structural thinkers suffer from ‘analytical depoliticization’ because they abandoned the political contexts within which testimony acts. While providing important insights about the politics of discourse and illuminating the pressing ethical imperatives of our time, they overlook the specific political histories, institutions, and systems of power at work. For Givoni, the duty to testify on wrongdoing should not be limited to the representation of discursive failures or epistemic and lingual gaps. Instead, and in light of the global challenges of our contemporary political reality, we need to think about how we can arrange different manifestations of testimony and strengthen its effectiveness in responding to actual and concrete political events (93-96).

Chapters Three and Four show that domains of civil society where victims/survivors speak up before other women, many of whom also victims/survivors, constitute a symmetrical relationship between the listeners and the speakers that is vital from an ethical perspective of validation and support but also from a political standpoint of building movements for change.

Testimony as a public tool for telling a collective story of suffering and generating social and political responses

The third conception of testimony involves its role as a public tool for generating and sharing collective stories of injustice and harm. The terror of dictatorships and state atrocities in Eastern Europe and Latin America, as well as ethnic conflicts in regions such as Sub-Saharan Africa during the 20th century, influenced another thread of scholarship that focused not so much on ethical witnessing to what escapes representation but on finding new mechanisms for telling collective stories of suffering and reconceptualizing what achieving justice might mean in this context. During the 1980s, a new movement called transitional justice¹³ became central in dealing with mass violence, and with that, new quasi-legal mechanisms were established in addition to and sometimes instead of trials and formal prosecution.

¹³ The origins of Transitional Justice can be traced to WWI, but it comes to be understood as an extraordinary and international response to mass violence only after 1945. In the beginning, this term characterizes the legal mechanisms for addressing wrongs committed under a prior regime, and later it included extralegal responses such as truth commissions (Teitel 2017).

Truth Commissions and specifically the public hearings of testimonies by the victims and their close ones were instrumental in the process of social reconciliation and political reintegration. Since the nature of the experience to which the witnesses testified was overtly political and involved crimes against entire groups, the testimonies of individuals who told their stories gave voice to collective narratives of violence, humiliation, and destruction. Hence, what was at stake in each testimony was not only, and often not primarily, personal trauma but a collective story of suffering. However, while being vital in constituting collective histories that otherwise may remain unknown, in some cases, these testimonies were subsumed into large-scale projects in ways that did not consider the implications for the individuals or how they wanted their stories to be used. Hence, this history serves as an important reminder of the delicate balance that the practice of testimony must hold between giving voice to a collective story and hearing the voice of the individual speaker. This lesson is essential when we approach the multitude of testimonies to a phenomenon that is highly personal, private, and intimate as well as extremely widespread social and political, as is the case of sexual violence.

To elaborate, Truth Commissions are extra-legal or quasi-legal mechanisms authorized by the state to complement other mechanisms (Hayner 2002, 11).¹⁴ Typically, though having less power than official judicial bodies, more breath, and a

¹⁴ Each commission is established via written mandate, by presidential decree, national legislation, or as part of a peace accord, that describes its duties and issues such as commission's power, limits of investigation, timeline, subject matters, and geographical scope (Hayner 2002, 73).

high degree of flexibility are the commissions' strengths that give them an advantage over other mechanisms (16). As part of their work, they are responsible for collecting documentation and testimonies, preparing and maintaining either private or public hearings, and producing reports with policy recommendations. Dealing with numerous testimonies and an abundance of documents, a commission must decide on its methodological approach and develop a system for gathering, organizing, and evaluating the material. With limited resources and often underprepared staff, the commissions confront complex questions that they are not always equipped to address.¹⁵ Thus, practical issues, such as resources, time, and training, present serious challenges to the representation of the witnesses' voices (225-233).

Despite these difficulties, by listening to the victims, holding a public hearing, and publishing the report, the commissions aim at giving the victims a *public voice* and bringing the story of their suffering to broad audiences (Hayner 2002, 28). Importantly, "whether a truth commission holds hearings in public for victims to recount their stories, or instead receives testimony only privately, will largely determine the level of engagement by the public during the course of its work" (225). There are different considerations in the decision to choose the public format. It allows the commission to acknowledge the stories publicly and even offer a symbolic apology. Also, by broadcasting the hearings, the stories are brought directly to a large public, and this, in turn, encourages public understanding and sympathy. However, there are also serious

¹⁵ Questions such as whose truth to record? How to record it? How to make sense of the testimonies? What counts as "proof" of abuse? Among others.

disadvantages, most notably, the physical and emotional risks that such hearings expose the witnesses to. Yet, where it is possible, it's being suggested that "a commission's impact and reach will be greatly increased if the public is able to observe victims relating their own stories" (228).

If so, similar to what we saw in the previous section, witnessing the witnesses' stories has important normative implications. The commission and the general audience play a key role in acknowledging the abuses and granting recognition to the victims/survivors and the collectives with whom they are associated. Sensitive navigation of the hearings has the potential of social repair by affecting bystanders and even perpetrators and engaging them in collective processes of healing. Not only is such navigation hard to guarantee, but often the goals of social reparations are not aligned with the needs of the individuals who come forth.

Here we arrive at the complex set of goals of Truth Commissions. Based on the literature, the commissions have five central purposes: truth-seeking, justice, reconciliation, healing, and institutional change. As suggested by Minow (1998, 9), seeking truth and justice are the two main purposes of animating societal responses to collective violence. Importantly, producing truth in the context of Truth Commissions should not be conflated with a legal process. In the legal sphere, testimony serves as evidence, yet "the purpose of criminal trials is not to expose the truth, however, but to find whatever the criminal standard of proof has been satisfied on specific charges [...] trials are limited in the truth that they are able to tell us" (Hayner 2002, 100). In contrast,

truth commissions do not seek to identify individual legal responsibility but to investigate and report the broad patterns of past abuses (88). Additionally, one of the most distinctive elements of truth commissions is the focus on the victims as the producers of a record of *collective violence*. Unlike in the legal scene where writing history is a by-product, if at all, in truth commissions, it is the very heart of the victims' testimonies. Moreover, writing history is often prioritized over justice since it is viewed as a better way to promote collective processes of healing.

Concerning justice, we should also note that in this context, justice is understood through a framework of restorative justice. This approach does not necessarily exclude punishment but views it as part of broader processes of repair, apology, and forgiveness (Leebaw 2011, 11). Furthermore, this is a “therapeutic form of justice” because it aims, among others, to “heal the wounds of the past” (12). And indeed, the idea of healing, either of the individual or the collective, is pivotal to the practice of bearing a witness in Truth Commissions. In fact, one of the underpinning principles of Truth Commissions is the idea that “revealing is healing.” The assumption is that through the process of speaking the truth, the victims have the potential to achieve catharsis, reintegrate their selfhood, and gain social recognition.

For modern Truth Commissions, the goal is not merely establishing facts, learning about wrongdoing, or acknowledging survivors' trauma with an eye toward their healing. Rather, as emphasized by the International Center for Transitional Justice (González and Varney 2013), there is a hope and desire that the results of Truth

Commissions will help to generate collective responses aimed at repairing past injustice and preventing further injustice. Thus, they suggest that the processes of Truth Commissions, when done well, “can contribute to prosecutions and reparations through their findings and recommendations, assist divided societies to overcome a culture of silence and distrust, and help to identify institutional reforms needed to prevent new violations” (9). Ultimately, they suggest that the work of testimony in Truth Commissions should not only generate a collective story but lead to collective social and political responses. In other words, Truth commissions should inform policy and encourage change in the behavior of groups and institutions, thus contributing to social and political transformation.

While recognizing the important goals of truth commissions, we can also recognize that it is hard to live up to all of them and that there can be tensions between the goals of providing individual healing and pursuing collective social and political responses. For one, the healing of the individuals through this process is hard to achieve. The very act of telling the truth could amount to reliving the trauma and bring about symptoms of PTSD. Furthermore, when individual stories are used in part as a means to achieve broader political and social goals, such as state reconstruction or new policies or initiatives, these goals may contrast with the aspirations of those who testify. Moreover, since Truth Commissions are orchestrated by state and international agencies, their execution is influenced and shaped by the agenda ‘from the top.’ As a result, instead of realizing the needs of both sides, it might be the case that victims’

needs or desires are overlooked if they conflict with ‘higher ends’ identified by those leading the Commissions. Indeed, as the very existence of the Commission depends on authorization from the state, the interests of the latter often prevail over the needs of the victims. Even the most praised Truth Commission in South Africa “acknowledges that the focus on therapeutic healing is at cross-purposes with political responses to the legacy of apartheid injustices” (Leebaw 2011, 11).

Therefore, the case of the Truth Commission shows the complexity of using a top-down process to invite individual testimonies to tell a collective story and attempt to generate a collective response. On the one hand, testimonies by individuals who went through horror give voice to a collective story. By speaking up, the victims reconstruct the complex truth behind these horrific events and gain recognition not only as individuals but as a collective. As such, testimonies play a key role in granting social recognition to entire groups and promoting processes of collective healing and social and political reintegration. On the other hand, if the individual stories are being used by the state or international organizations merely as a means for fulfilling a “required” process as part of a predetermined or top-down agenda for change, this would undermine both the potential for individual healing and for a meaningful democratic response. Hence, some critics argue that despite the high hopes, in practice, international agencies establish mechanisms of justice by standards of Western democracy without engaging with the local tradition or taking into account the specific needs of the people in the societies in which they work. While transitional justice

advocates claim to provide a neutral ‘device’ through which individuals share their stories, some criticize it for replicating and reproducing Western liberal ideals without attempting to consider and incorporate more local values (see, for example, Lundy and McGovern 2008; Mazzie 2011; Sharp 2013).

These insights are critical to bear in mind when theorizing the purposes of testimonies of sexual violence. On the one hand, these testimonies give voice to a problem that is rooted in deep histories of sexism, misogyny, and racism that affect entire groups and not only an individual issue of surviving trauma. As we shall see in Chapters Three and Four, constituting solidarity and a community of victims/survivors through a collective story of suffering and resistance is one of the most important potentials of giving testimonies in civil society. On the other hand, each of the stories is deeply personal, and each of the speakers has a unique set of needs that may or may not correspond with others. Hence, it is a matter of a delicate balance to use testimonies to voice a broad problem in a way that could help generate a collective response, such as new policies and initiatives, but would still respect the specificity of each experience.

III. Testimony as a tool for addressing sexual violence and instigating societal change

A look at existing literature: gaps and contributions

As the discussion above shows, multiple disciplines, such as epistemology, political theory, literature, and transitional justice, attended to the concept of testimony and

generated critical insights into some of its epistemic, ethical, and therapeutic aspects. They illuminate the heterogeneity of this practice and allow us to think about the various functions, promises, and limitations that testimony could entail for victims/survivors of sexual violence. Crucially, these inquiries expand our point of view to include additional usages of testimony that go beyond its use as legal evidence. In the context of sexual violence, the most common way to conceptualize testimony is through the prism of law. Hence, the scholarship on sexual violence paid significant attention to the challenges women victims/survivors of sexual violence face when using legal channels and shed light on how women who testify in legal arenas are often mistrusted and dismissed. However, testimony is not only a site of injustices. It could also do important work of supporting victims/survivors and promoting positive change in society. Yet to stand on these, we need to look at the work testimonies do outside of the legal arena.

Accordingly, as we saw, poststructural theory and psychoanalysis literature move away from the judicial figure of the witness and argue that the task of testimony is to bear witness to trauma and specifically to the impossibility of comprehending or fully accessing the traumatic events. In doing so, testimony emerges as an ethical response to one's suffering and plays an important role in one's healing. Furthermore, and as the literature of transitional justice illuminates, when what is at stake is a recognition of collective suffering, testimony could give voice to collective history and promote processes of collective healing, forgiveness, and reconciliation.

These insights are helpful for thinking about the ethical and therapeutic aspects of giving testimony to a traumatic and widespread phenomenon like sexual violence. Yet, this project asserts that the practice of testimony also entails important political qualities that so far have been undertheorized. The literature on testimony either takes the political nature of testimony as a given or ignores it altogether. By contrast, critical political theory and feminist theory give special attention to the political implications of speech and to the ways in which speech is both a site of oppression and a tool of contestation and change. However, while these theories recognize the potential role of speech in the struggle against injustice, they have paid little attention to the practice of testimony. Political theorists have failed to recognize the democratic qualities of testimony and how marginalized groups can utilize them to advance political goals, while feminist theory offers little insight into the unique characteristics of testimony and the political potential that this distinct type of speech could carry for women.

One important line of work that is an exception to these oversights, and a source of inspiration for this project, is the literature on Latinx women's testimonies confronting state violence. According to this work, women's testimonies have four main characteristics: "breaking silences, raising consciousness, envisioning a new future, and seeking collective action" (Strenback 1995, in Santos and Morey 2013, 91). These traits stem from and are bound to a strong sense of commitment to the community, where the latter is understood in broad terms of non-familial solidarity (89). Thus, Latinx women's stories arise from specific political circumstances, usually of

discrimination, oppression, and violence, but also entail political meanings of building solidarity and sisterhood despite the endeavor to erase them.¹⁶ By emphasizing the importance of political circumstances and the role of testimonies in promoting political action and solidarity, the work in this area lays crucial foundations for enabling us to think about the capacity of testimonies to instigate movements for societal change. However, more work is needed to theorize the political potential of testimonies to end sexual violence and the conditions under which they can fulfill their democratic capacities.

To address this need, this project not only synthesizes the separate insights found in these disciplines but also contributes to each of them by developing a novel civic theory of testimony that helps demonstrate how testimony—when it is performed in some sites of civil society—can confront urgent problems like sexual violence and generate movement toward legal, social, and political change. As part of that, it interrogates how, on the one hand, women's voices are excluded, undermined, and discredited through existing legal processes and how, on the other hand, women continue to use testimonies to challenge, critique, and create innovative forms of civic engagement outside and alongside the law. In other words, this project theorizes

¹⁶ See, for example, Sutton's (2018) study of testimonies of women who survived state-run clandestine detention centers in Argentina. These "accounts offer an opportunity to reflect on visions and strategies for social change, for building a present and future that takes the recent past into consideration. Furthermore, the voices of these women are political ones, not only because they speak directly to political issues, but also because many of them have had significant activist trajectories that informed their perspectives" (5). See also the testimonial text by Rigoberta Menchú (Menchú 2009) where she gives voice to the political massacres in Guatemala, and the prolific theoretical work it sparked on the concept of testimonio, in works such as, (Beverley 2004; Saldaña-Portillo 2003).

women's testimonies both as a site that exposes injustices and the unequal status of women's voices *and* as a political tool through which women can claim their agency as members of the political community and advance principles of egalitarian democracy.

Defining testimonies to sexual violence

Building on the definitions introduced in the second section, this study defines testimony to sexual violence as *an individual or collective speech act performed in different spheres of life, including the legal sphere and channels of civil society, by persons who derive their authority to speak from the fact that they testify to harm they personally experienced. Further, this speech act publicly shares an experience of trauma, violence, and injustice that the experience of sexual violence entails in order to address a variety of personal needs and to combat the social and political conditions underpinning this problem.* This definition is expansive enough to include different idioms, mediums, and spheres through which one testifies to sexual violence. It is also flexible regarding the specific circumstances of this speech, including before whom it is given and toward what ends.

Nevertheless, not all speech acts that talk about the experience of sexual violence are part of this study. First, this project focuses on an act of sharing experiences that one had personally experienced and thus has the epistemic authority to stand as a testifier. As such, this work excludes things such as fictional accounts or those by third parties (they can still have epistemic authority, but they are not part of this inquiry). Furthermore, by emphasizing the act of public sharing, I reiterate the position taken by

the political theorist Michal Givoni (2011, 149), who argues that “what turns testimony into a distinct form of action is the multilayered bonds that it effects between a witness, a public and an (often internal) other.” Hence, testimonies that are not publicly addressed to listeners, such as accounts recounted in diaries or to a close friend, are not part of the examination. Lastly, I focus on written or oral testimonies that include verbal expressions. Hence, while art installations and other aesthetic forms of testimony are vital forms of testimony and hold much value for both the victims/survivors and the society, they demand methodological and theoretical approaches beyond the scope of this project.

Meeting the criteria set by this definition, the empirical examples that stand at the heart of this study encompass written and oral testimonies of sexual violence within the U.S. and in a more global context. Specifically, the study reflects on testimonies given before the law—including reports to the police, victim impact statements, and oral testimonies given on a witness stand—to explicate the kind of challenges victims/survivors meet when using official routes. Furthermore, the study focuses on the political capacities of testimonies in channels of civil society. Here, it examines testimonies given during the anti-rape movement of the 1970s in the U.S. in consciousness-raising groups and speak-outs and testimonies published in the digital sphere through Facebook groups and hashtags. While these examples are by no means exhaustive, they enable us to interrogate some of the functions, as well as limitations, of women's testimonies in civil society.

An outline of the explorations and arguments

Through these examples, the study illuminates the multiple ethical and political meanings and impacts of women's testimonies, including empowering survivors, mobilizing protest, and building local, national, and transnational movements for legal, social, and political change. By doing so, this study highlights how testimonies against sexual violence can have dramatic normative implications and become catalysts for democratic resistance and egalitarian change.

Specifically, this analysis supports arguments for improving legal processes related to legal testimony. As the discussions in Chapter Two illuminate, giving testimony before the law confronts victims/survivors with biases, disbelief, excruciating questioning practices, and other challenges. These often result in a legal failure to address the harm of sexual violence and provide the victims/survivors with some sort of remedy. Additionally, the legal shortcomings also implicate epistemic injustice and democratic injustices of denying victims/survivors epistemic authority and equal voice as juridical and political subjects. Nevertheless, in the concluding chapter, I clarify that these issues should not lead victims/survivors or social justice advocates to abandon the law. Instead, we need a holistic approach that will incorporate critiques of law and endeavors to reinvest it with democratic values both within and without the legal arena.

Furthermore, this dissertation turns a spotlight on civil society as the site with the greatest potential for testimonies to operate as democratic tools that can fuel social change. Exhibiting more freedom than the legal domain, civil society provides

testimonies with more opportunities to fulfill its potential as a tool of social critique and political mobilization. Spaces such as consciousness-raising groups, speak-outs, and some digital forums, for instance, are more flexible and malleable in terms of who, how, and what can be said. There is more room for gaps, complex stories, ambiguous experiences, and emotions. The participants in these spaces share their experiences, validate each other, and help each other to make sense of their personal experiences and broader patterns that underlie them. They also feel each other and constitute counterpublics that are as much emotive as discursive. Taken together, these civic spaces are conducive to radicalizing testimonies in the sense of using personal experiences of harm and trauma as a basis of theory building and political mobilization against the harmful conditions that produce and sustain phenomena like sexual violence.

Lastly, civil society and testimony constitute a dialectical relationship with one another. It is not only that civil society allows testimonies to become democratic tools of social critique and political mobilization. By operating the way they do, civic testimonies are also key for radicalizing civil society in the sense of pluralizing it and reinvigorating it with the political commitment to advance the ideals of egalitarian democracy. Here, this study refers to Anderson's (1999) definition of egalitarian democracy as one that secures the condition of freedom by abolishing all forms of oppression and constituting a social order where all citizens stand in relation of equality one to another. In the concluding chapter, I explicate the broader implications of this

study by arguing that what is at stake in civic testimonies is not only addressing the specific needs of victims/survivors or the problem of sexual violence but the very nature of civil society. While having the potential to serve as a sphere of social critique, collective action, and political pressure, in practice, civil society still exhibits some fundamental shortcomings precluding it from fulfilling its premises. I argue that through different epistemic, discursive, and affective interventions explored in this dissertation, civic testimonies help civil society overcome some of the challenges standing in its way of becoming a vibrant and innovative sphere, thus influencing broader cultural shifts and even political and legal changes.

IV. The structure of the dissertation

The arguments presented above are developed throughout the next four chapters. In Chapter Two, I focus on the problematic undermining of women's voices when they testify in legal arenas in the context of the U.S. Building on law and society literature, I highlight some of the key barriers women face when pursuing legal cases against sexual violence and the risks of being silenced, discredited, and misinterpreted. I show some of the problematic and political aspects of how rape was treated in law and how the suspicion towards victims/survivors of sexual violence was encoded in the definition of rape. I also discuss the shortcomings of the cross-examination strategies and the problems of translation related to the work of lawyers. *The main argument of this chapter asserts that these legal failures have additional normative and political implications.*

First, the legal failures implicate *epistemic injustice* of denying women victims/survivors of sexual violence recognition as credential knowers and authoritative speakers. Underlining many of the legal problems are misogynistic stereotypes and myths that discredit women's testimonies. Building on feminist critiques and the philosophy of epistemology, the chapter highlights how gendered biases influence legal institutions and officials to discredit women's credibility as knowers and undermine their authority as speakers. By drawing on the work of social epistemologists such as Miranda Fricker and José Medina, the chapter discusses the role of epistemic excess and deficit in undermining entire groups that hold less social and political capital.

Second, building on democratic theory, I conceptualize the broader political implications that losing one's voice before the law entails and shed light on the *democratic injustice* of failing to fulfill women's equality as citizens in a democratic society. I argue that what is at stake here is not only the recognition of specific rights violations or the achievement of legal redress but the very ability of women to act meaningfully as political agents and be heard as equal citizens. Overall, this chapter establishes the need to rethink how women can voice their experiences and explore more democratic avenues to influence legal, social, and political processes. Thus, in the following two chapters, I turn the examination toward extra-legal testimonies and ask whether, how, and under what conditions they could be used to generate more just and egalitarian democracies.

Chapter Three focuses on women's testimonies in the anti-rape movement during the 1970s in the U.S. Drawing on feminist literature, historical accounts, and primary sources of testimonial material from consciousness-raising groups and speak-outs, it discusses the political character of women's testimonies and the work they do in the context of women's movement. Building on counterpublics literature, I treat these testimonies as oppositional forces that challenge the dominant approach to rape and sexual violence. Specifically, I show how testimony to sexual violence creates discursive counterpublics to this injustice by actively challenging dominant scripts of rape and creating alternative understandings and vocabulary of rape.

Furthermore, the analyses presented in this chapter also challenge and complement the literature on counterpublics by addressing some of the shortcomings in the way it conceptualizes the constitution of counterpublics and the politics they call for. First, the chapter shows how the counterpublics made through women's testimonies to sexual violence are not only discursive and epistemic but also affective. Here, it sheds light on the embodied aspects of these speech acts and how they create affective solidarity. From here, the chapter moves to explicate the political value of testimonies and the kind of politics that counterpublics envision. Building on Lauren Berlant's (2008) concept of intimate publics, I argue that the politics these testimonies practice could be best understood through the idea of *intimate counterpublics*. According to this concept, testimonies constitute counterpublics that are highly personal, intimate, and affective on the one hand and utterly political, oppositional, and antagonistic on the other hand.

Thus, these testimonies challenge the division between the private and the public, and, in doing so, they incarnate what feminist critiques of civil society have been asking for; they dismantle the artificial borders between the personal and the political.

Chapter Four moves us to the question of how testimony against sexual violence operates in the contemporary era. This includes an innovative inquiry into the nature and roles of new digital platforms for sharing testimonies. Despite recent work on the relationship between social media and political action and the new possibilities that digital platforms have opened for marginalized groups, there is little systematic work on the characteristics and functions of digital testimonies. In fact, there is still a vibrant debate about the question of whether the digital arena is conducive to increasing democratic participation or whether it is an individualized action suffering from depoliticization. To fill this gap, I examine one case of the “One of One” Facebook group in Israel and ask what kind of political work testimonies shared via this platform do, what is new about this form of narration, and what these testimonies want from the law.

Drawing on this case, this chapter supports arguments in favor of the digital arena and argues that digital testimonies are conducive to egalitarian democratic politics because they provide important opportunities for achieving justice, connecting with others, and building local and global movements. First, they provide victims/survivors with alternative forms of justice and give them the freedom of choice (i.e., they can decide what to do with their testimony, how to testify, what to share, and in what genre

to speak, among others) that doesn't exist in the official legal realm. By giving choices, they have the political potential to enact survivors' agency and increase their participation in shaping the discourse and public response to sexual violence. Additionally, the affordances of the digital sphere allow testimonies to create connected solidarity and a feeling of community in such ways that constantly extend the boundaries to include more voices, share new stories, and arrive at new audiences. Lastly, the impossibility of the distinction between the private and public that we saw in the previous chapter takes an additional turn in an environment where individual voices travel through legal, national, and cultural borders to connect with others with unimaginable speed and scale.

However, this case also serves as a reminder of some of the caveats standing in the way of these qualities to fulfill their promises and the work that we still have to do. While being open to challenging the patriarchal foundations of Israeli society, the testimonies on this page, and more precisely the voices that are absent from it, show that conservative, racist, nationalistic, and militaristic values can sometimes prevent empathy toward and solidarity with survivors, thus undermining the political capacity these tools carry for victims/survivors and the society more broadly.

In Chapter Five, I bring together the insights offered throughout the dissertation to argue that in addition to providing victims/survivors with justice choices and addressing other needs, civic testimonies are vital for radicalizing civil society. In other words, I argue that there is a dialectical relationship between testimonies and civil

society. It is not only that civil society is conducive to testimonies in the sense of giving them more freedom and power to address the needs of victims/survivors and bring broader change in how we address problems like sexual violence. By operating in this sphere as they do, testimonies can support, reinforce, and reconfigure a civil society in such a way that would make it more pluralistic, vibrant, and egalitarian. Among others, testimonies radicalize civil society by constituting vibrant counterpublics that challenge both the formal sphere and cultural norms and understandings that justify the harm to marginalized groups. They also show a way out of the dichotomy between the private and public spheres and inspire solidarity and action through an affective investment that, at least sometimes, traverses legal, cultural, and physical borders. Doing these and other interventions, testimonies address some of the obstacles standing in the way of civil society to influence broader changes in the political as well as legal conditions of our democratic society.

Notwithstanding these important aspects, this chapter also reflects on some of the problems that both victims/survivors and social justice advocates who want to utilize this tool need to address before they can use testimonies in their struggles. While by no means exhaustive, I highlight three issues. First, social advocates who want to use testimonies in their work should use them together with other tools. Secondly, there is a need to take more seriously the intersectional critiques of multiple systems of oppression. Lastly, to channel this practice toward progressive transformation, this practice must be grounded in egalitarian politics.

The chapter concludes by answering the question of what kind of relationship civic testimonies has with the law. This dissertation starts with the failure of the law to address sexual violence and its complicity in silencing and undermining women. It then highlights civil society as the site where women's voices can have greater freedom and thus more power to challenge the current power relations that are responsible for sustaining the harm against them and minoritized communities. Therefore, some might see this work as supporting arguments in favor of abolishing the law and, specifically, abolishing sexual violence as a crime in criminal law. Yet this is not the argument I make. Reflecting on the recent debate between anti-carceral feminists and those who call into question their position, I urge that we need a multifaceted approach in which law does play a role. According to this approach, providing alternative (extra-legal) channels where more radical and fundamental change could be envisioned and promoted is essential. Yet it also asserts that we should continue investing in law reforms aiming at improving legal processes concerning legal testimony and broader issues responsible for the further victimization of most vulnerable populations. I will consider a few specific possibilities of how the law can be used in more just ways that do not merely affirm the problematic carceral logic prevalent in places like the U.S.

2. Repressed voices and legal testimonies: women’s testimonies before the law as a case of legal, epistemic, and democratic injustice

I. Introduction: the limits of law and legal testimony for addressing sexual violence

Sexual violence is one of the most common crimes against women and sexual and gender minorities in the U.S. and around the world.¹⁷ victims/survivors of sexual violence often face the option of reporting the crime to the police and pressing criminal charges. In this process, victims’ testimony becomes key for determining the facts and shaping the future of the case.¹⁸ Women and other victims/survivors of sexual violence have different interests in pursuing a legal case and speaking up in a legal forum. Alongside achieving justice and getting redress, some may wish to speak before the law to deal with their pain and start a process of healing. Others see it as an opportunity for enacting their agency, asserting subjectivity and self-empowerment, or exposing the injustice they have experienced and preventing others from going through similar

¹⁷ For example, in the U.S., 43.6% of women experienced some form of sexual violence in their lifetime, and one in five women experienced completed or attempted rape (2015 NISVS Data Brief, Violence Prevention, Injury Center, CDC 2021). And according to a 2018 analysis of data from 2000-2018 across 161 countries and areas by WHO, nearly 1 in 3, or 30% of women have been subjected to physical and/or sexual violence by an intimate partner or non-partner sexual violence or both (WHO 2021).

¹⁸ According to the Cornell Law School definition, testimony in the legal context means “oral or written evidence given by a competent witness, under oath, at trial or in an affidavit or deposition” (testimony n.d.). In this chapter, I also include other forms of victims’ statements before law enforcement and the judiciary, such as reports to the police and victims’ impact statements that could be either written or oral and presented to the court at the sentencing stage.

experiences and traumas.¹⁹ However, the law often fails to address the harms of sexual violence. Moreover, the encounter with the law—in different stages of the process, from reporting to the police to standing before a jury—tends to deepen the trauma of the victims. After experiencing such a traumatic event, “women who are raped continue to be embarrassed, doubted, and abused by the legal organizations that process them,” a phenomenon known as a second assault (Martin and Powell 1994, 856).

Take, for example, the well-publicized case of a former Stanford student-athlete, Brock Turner, who was convicted in 2016 of sexually assaulting Chanel Miller at a party on campus and sentenced to six months in county jail and three years of probation (of which he ultimately served only three months). The lenient sentencing prompted public outrage and a vote to recall the sentencing judge, Aaron Persky (C. Hauser 2018). The brutality of the assault, the “surprising revelation” that good boys can do bad things, and the leniency of the sentencing captured the public interest. Even more so, the victim/survivor’s statement, given in court and published on BuzzFeed News, has greatly resonated with many readers. Courageously, Chanel Miller shared the story of her assault and the painful experience of the trial:

When I was told to be prepared in case we didn’t win, I said, I can’t prepare for that. He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don’t remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win

¹⁹ For a good summary of victims’ interests in making a claim, see Daly (2017), who identifies five key justice interests that motivate victims to pursue justice: participation, voice, validation, vindication, and offender accountability-taking responsibility.

this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn't remember. That helplessness was traumatizing (Miller in Baker 2016).

In her statement, Chanel Miller delineates how the witness stand became a site of a struggle where she confronted not only the long-lasting consequences of the assault but also the active endeavor (by the perpetrator, the defense, and the judge, among others) to erase her pain, rewrite the past, and undermine her voice. In this, Miller's case illuminates some of the most common challenges women²⁰ face when they use the legal channels to speak about sexual violence—the attack on their credibility as witnesses and their experience of the legal process as revictimizing more generally—and supports the widespread critiques of the law's insufficient response to sexual violence and its undermining of women's voices when they try to address this crime.

It has been well demonstrated that attempting to use the law to respond to sexual violence can often end up harming the victims/survivors. For instance, the law and society literature identify numerous shortcomings in the legal approach to the issue of sexual violence. Difficulties in reporting to the police (Fitzgerald, Swan, and Fischer

²⁰ Although this phenomenon is not limited to women, and there are gender nonconfirming individuals, men, and children who suffer from rape and other forms of sexual violence, this issue still affects women and girls disproportionately. For instance, according to a National Study on Sexual Harassment and Assault conducted in the U.S., in 2018, 81% of women reported experiencing some form of sexual harassment and/or assault in their lifetime, compared to 43% of men (Kearl 2018, 7). Importantly, statistics show that transgender and other members of the LGBTQ community experience the highest levels of sexual abuse and assault, with some reports suggesting that around half of transgender people and bisexual women will experience sexual violence at some point in their lifetimes (Grant et al. 2011; Walters, Chen, and Breiding 2013). While the general argument of this paper is applicable to cases involving members of the LGBTQ community, it doesn't capture the unique challenges these individuals face when they use the law to address sexual violence. For work in this direction, see, for example, (Jordan, Mehrotra, and Fujikawa 2020; Messinger and Koon-Magnin 2019).

1995; Mont, Miller, and Myhr 2003), mistreatment by both police and medical professionals (Campbell 2005), intimidation and discrediting by defense lawyers (Larcombe 2002; Temkin, Gray, and Barrett 2018), and technical malfunctioning like delays in trials (O. Smith and Skinner 2012) are only a few examples of the challenges victims/survivors face when they decide to appeal to the law to address the harms of sexual violence. In that, building on empirical data from court observations, surveys, and in-depth interviews with victims/survivors and legal staff, scholars have identified the victim's testimony as a key practice in the criminal process but also as one of the primary sites in which the victims/survivors can be undermined and harmed.

Unsurprisingly, then, larger numbers of women and other victims/survivors choose extra-legal tools to express the scope and the harms of sexual violence in different arenas of civil society. In the recent era, social media has increasingly become a central avenue for raising awareness of and struggling against the prevalence of this and other gendered forms of violence. Despite, and maybe precisely because of, this transition, one cannot overlook the significance of the legal inadequacy or failure to deal with this phenomenon. Not only do many still choose to go through legal procedures and continue to be mistreated—and thus demanding our attention—but in many ways, the voices that we hear in literature, arts, popular culture, social media, and other domains of civil society are reacting particularly to this failure. As we shall see in the next chapters, testimonies performed in civil society stand in a complicated relation to the law. Sometimes, what happens in civil society complements the legal forum, and often,

it provides an alternative space where women and other structurally marginalized groups bring (or rethink) justice and influence broader political, social, and cultural changes. Yet, in other instances, extra-legal testimonies stand in dissenting relation to the law and aim to subvert and challenge it from without. To stand on the relationship between extra-legal and legal forms of testimony and the political function and role they play, we should first explicate the shortcomings of the legal testimony and theorize the implications of these issues from a normative and political perspective.

While scholars have attended to the legislative, institutional, procedural, and some of the normative problems associated with the legal response to victims' testimonies, the political implications of these shortcomings—above all, how they are connected to women's unequal democratic citizenship—have yet to be fully recognized. To address this need, this chapter joins the critiques of the insufficient legal response to sexual violence, turning attention to its epistemic and political dimensions and implications. Specifically, this chapter focuses on sexual violence cases in the U.S.²¹ and argues that the challenges women face when giving a testimony about sexual violence before the law have two crucial political and normative implications: *epistemic injustice* of denying women victims/survivors of sexual violence recognition as credential knowers and authoritative speakers and *democratic injustice* of failing to fulfill women's equality as citizens in a democratic society. Hence, what is at stake here is much more

²¹ This chapter focuses on the U.S. because many of the changes in the legal approach towards sexual violence in the U.S. have had important influences on other legal contexts; for example, the rape reform movement that started during the 1970s in the U.S. influenced similar movements in other countries like Canada and the U.K.

than a debate about an official definition or some legal procedures, it is about the very foundations of how the law hears, constructs, and perceives women's voices.

To develop this argument, the chapter begins by introducing some of the legal shortcomings in responding to women's testimonies about sexual violence. It then argues that the legal treatment of women's testimonies is an archetypical example of testimonial injustice. Here, I combine the general critique of the law with insights made in the philosophy of epistemology (for example, Anderson 2012; Dotson 2011; Fricker 2007; Medina 2013) concerning the epistemic injustices involved in testimonial failures. Lastly, the chapter discusses how the legal system's failure to listen to women's testimonies has a larger political implication of denying women an equal voice and political agency, thus undermining their equal standing as democratic citizens. These aspects are often overlooked by democratic theorists, even those who focus on deliberation and advocate for the importance of communicative action in democratic processes (for example, Benhabib 2021; Cohen 1989; Habermas 1996). Thus, this final section draws all democratic theorists' attention (regardless of their particular school) to the importance of the testimonial scene as a democratic avenue and the political implications of denying women equal status as legal actors and equal citizens within this arena.

By exposing these additional injustices, this chapter provides a more comprehensive critique of the current legal position towards women's testimony and supports arguments in favor of reinvesting the law in democratic principles instead of merely

working on reforming legal procedures. Furthermore, it establishes a clear need to look for additional spaces where testimonies of sexual violence operate more freely and have a greater chance to address the specific needs of those speaking up against sexual violence and influence broader societal change toward ending sexual violence and constituting a society with greater gender equality. Indeed, the law is not the only avenue through which women and other groups can and did speak their truth. Literature, arts, popular culture, social movements, and, recently, social media all offer an alternative route for disseminating testimonies. Hence, in the next chapters, I will examine some examples of extra-legal testimonies and ask whether, how, and under what conditions they could be used to generate more just and egalitarian democracies.

II. Legal injustices: the challenges women face when testifying under the law

In this story, I will be calling the defense attorney, *the defense*. The judge, *the judge*. They are here to demonstrate the roles they played. This is not a personal indictment, not a clapback, a blacklist, a rehashing. I believe we are all multidimensional beings, and in court, it felt harmful being flattened, characterized, mislabeled, and vilified, so I will not do the same to them. I will use Brock's name, but the truth is he could be Brad or Brody or Benson, and it doesn't matter. The point is not their individual significance, but their commonality, all the people enabling a broken system. This is an attempt to transform the hurt inside myself, to confront a past, and find a way to live with and incorporate these memories. I want to leave them behind so I can move forward. In not naming them, I finally name myself. My name is Chanel (Miller 2019, 10).

In her memoir, Chanel Miller tells her story about the assault in 2015 at a party at Stanford University and the horrible experience of pursuing a legal case against Brock Allen Turner. Intuitively, it seems like a straightforward case with little room for doubt.

Two graduate students found Miller near a dumpster; Miller was unconscious, her dress pulled up and her genitals exposed, and Turner on top of her (Xu 2016). When Miller arrived at the hospital, she did not respond to shouting or when she was shaken by her shoulders. She was found by the students at 1:00 am but regained her consciousness only at 4.15 am (Dremann 2015). Yet, later in the trial, Turner will tell his version of the story where he and Miller had a few beers, danced, and kissed, and she agreed to return to his room. According to him, she was conscious when they went behind the dumpster and wanted to be fingered by him (Lee 2016). To support this narrative, the defense used well-known tactics of questioning, interrogating, and undermining Miller's testimony. As described by Miller in her powerful victim statement, her character, sexual history, intentions, lifestyle, memory, and words were put on trial, and with that, her trauma and her entire identity were defined by others (Miller in Baker 2016).

Though this case resulted in Turner's conviction, who also lost in his appeal to overturn the verdict (Mark 2017), the sentencing was lenient. Moreover, the legal process, as described by Miller, reflects a common problem with sexual violence cases where the victim/survivor herself is put on trial. What seems like an unquestionable instance of assault on an unconscious person became a 'she said/he said' situation where the victim/survivor is disbelieved and loses her voice. Such situations are reflected in Smart's (2015, 26) critique of the law, where "the rape trial distills all of the problems that feminists have identified in relation to the law. Here we find the

problem of legal method, the problem of ‘maleness’ of law, the disqualification and disempowering of women, and the public celebration of all of these things.” More specifically, for our purposes, Miller’s case exemplifies all the shortcomings of testimony as a legal mechanism.

When testimony is given within official legal settings such as courtrooms, women’s testimony is frequently tainted because women are often seen as “unpersuasive” witnesses. As Gilmore (2017, 18) argues, this could be simply because they are women. But it could also be because they seek to bear witness to inconvenient truths or since they possess less symbolic and material capital than men as witnesses in courts of law. Either way, the fear of false accusation lurks in the background of the legal process,²² and the victim’s story becomes a weapon that must be dismantled in a battle between well-trained legal professionals whose goal is to win the case at all costs. Even after the major rape law reforms of the 1970s and the elimination of prejudicial practices such as the requirement of corroboration evidence to support women’s testimonies, victims continue to face a systematic undermining of their voices. With her credibility being targeted by the defense, the victim’s ability to provide a coherent and reliable account of the crime is constantly questioned and undermined. Consequently, for the victim/survivor, giving testimony before the law often means not only risking losing a case (after investing time and a lot of emotional, financial, and other resources) but also

²² Despite the rarity of false accusations (contemporary data shows that only between 3-8% of accusations are found false by the authorities), it continues to be a serious concern among men, especially white privileged men. As Srinivasan explains, this anxiety could result from the fear of white and wealthy men being treated like marginalized men by a legal system that is supposed to work for them (2021, 6).

experiencing silencing, which carries critical political implications such as undermining the victim/survivor's agency and equal voice.

A long history of suspicion towards victims of sexual violence

In sexual violence cases, victims' testimonies play a critical role in determining the facts of the event and sometimes serve as the only evidence of the crime.²³ However, compared to other crimes, the credibility of victims of sexual violence as witnesses is disproportionately questioned and attacked (Bolinger 2021; K. Campbell 2014). As with other cases, the inquiry starts from the presumption of the defendant's innocence, and it is the complainant's job to prove the existence of a crime and harm. Yet, legal officials (like the public) tend to be more sympathetic to male perpetrators than to their female victims/survivors. As a result, the perpetrator's story often prevails by "winning" the legal case and/or winning in the court of public opinion.

The suspicion toward women's testimonies has a long history in the American legal system and can be seen in the way the law has defined the crime of rape. For a long time, rape was the only type of sexual violence treated as a crime under the law, but the

²³ The testimony of the witnesses, and especially eyewitnesses, had long played a critical role in determining the reality of the event. In her thorough examination of the practice of testimony in Victorian England, Schramm (2000) explores the centrality of testimony in discovering the truth. Traditionally, in English common law, the one who gave evidence before the court had to be "a hearer and seer," and "the narratives of those eyewitnesses who could meet certain qualifications of competence and credibility were thus intimately associated with the discovery of facts and the just assessment of action and intent" (3). With the rise of the defense lawyers in the 19th century, "testimony was coopted to serve in the proof of facts which were increasingly seen as multi-faceted and open to professional manipulation" (16). This shift towards representation by lawyers and the formation of new rules of evidence and proof signifies, according to Schramm, how we move to a judicial administration rather than personifying authority in a visible actor (56). Nevertheless, though mediated and sometimes manipulated through professionals, testimonies continue to be essential in the establishment of facts.

definitional challenges that start with rape continue with other forms of sexual violence.²⁴ Tracing the development of the definition of rape in the U.S. reveals a history of a too limited, very excluding, and profoundly prejudiced approach to what constitutes this action, whether it is considered a crime, who can talk about it, and who can be accused of it or punished for it. Accordingly, it reveals the kind of assumptions, rules, and norms that guide the legal process when dealing with victims/survivors' testimonies.

Feminist legal scholars such as Susan Brownmiller (1993) have emphasized that the earliest written laws regarding rape set the stage for definitional problems. Rape did not begin as a crime against a woman or person, it began as a crime against property—the property of male heads of households (18). In these origins, the legal prohibition against rape, and the capacity to prosecute it, was based on the patriarchal rights to women's reproductive capacities and the economic value associated with inheritance and reputation. From the early colonial era forward, American laws against rape and their implementation in practice were informed by vestiges of these origins, and they

²⁴ For a long time, the only type of sexual violence treated as a crime under the law was the narrow conceptualization of rape as a forced penetration of a vagina by a penis. It was only later that law prohibited different types of sexual violence and unwanted sexual relations, with sexual harassment only being legally acknowledged as a crime in the 1970s. The incorporation of sexual assault into the legal framework meant to include the different ways in which a person could coerce or psychologically force another person to engage in different forms of sexual acts against their will (Sexual Assault | RAINN n.d.). Further, building on Title VII of the Civil Rights Act of 1964, scholars and activists worked to include sexual harassment as an illegal form of sexual discrimination. Though the core issues of discrimination highlighted by these pioneers have not been fully acknowledged (Siegel 2003), the law now recognizes that it is “unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature” (Sexual Harassment | U.S. Equal Employment Opportunity Commission n.d.)

helped to reinforce and strengthen the status of elite white men's rights at the expense of all women, as well as Black and Native American men (Armstrong, Gleckman-Krut, and Johnson 2018; Eriksson 2010, chap. 2).

The American colonial law adopted the British definition of rape as “the unlawful and carnal knowledge of a woman, by force and against her will” (Freedman 2013, 12). To determine whether the sexual act was illegal, several conditions had to be met: penile/vaginal penetration (“carnal knowledge”) involving the lack of a protected woman's consent and the use of physical force by a man who is not the husband. However, the understanding of what constitutes consent as well as what counts as coercive was very narrow. For instance, wives couldn't withhold consent from their husbands, and enslaved women couldn't refuse sex with their masters. At the same time, some sexual aggression by men was assumed as a normal way to approach women. Therefore, women often either chose not to file a report or when they did, they were accused of being seductive and denying their desire for sexual conduct (chap. 1).

In the new republic, the carnal knowledge doctrine continued to define the crime of rape, but a new moral ideology replaced the Puritan morality that guided the early Colonial and Revolutionary eras. While the former saw both men and women as sinners, the latter viewed women as seductive and lacking self-control and the ability to self-governance (Freedman 2013, 15). On the institutional level, these beliefs were upheld by the principle and doctrine of “coverture” that denied [white] women separate legal rights from their husbands or fathers. Under this legal principle, marital rape was

considered an oxymoron or impossibility, rape was seen largely as a crime committed by men against the property of other white men, and women who did not fit the middle-class ideas of white female chastity were denied legal protection (Armstrong, Gleckman-Krut, and Johnson 2018, 105).

There are two important things to notice in this development. First, men's sexual entitlements were deeply conditioned on and sustained by the legal privileges that allowed them to govern their wives as well as the political prerogatives that postulated men as the ideal citizens (Freedman 2013, 7). Secondly, though rape was still defined as carnal knowledge, force and consent were redefined. Especially relevant to our discussion of the legal testimony is the emergence of two conditions as key determinants of whether the act is a rape (i.e., that there wasn't consent and the act was forceful), these are: the character of women and the evidence of her resistance (21). As a result, women's chastity, reputation, and reliability of their testimonies become central issues for establishing the facts of the crime.

The British jurist Lord Matthew Hale had a widespread influence on codifying suspicion towards women's accusations of rape and scrutinizing their testimony in the British and U.S. legal system. According to him, rape was "a most detestable crime," but it was also "an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent" (Freedman 2013, 16). Accordingly, different legal rules were put in place to protect against false accusations, such as the requirement of corroborative evidence. According to this requirement, the

victim's testimony alone is insufficient, and it must be corroborated to identify the accused man and prove both the penetration and that it was not voluntary (Wilson and Connell 1974, 126). Rape convictions under this approach relied heavily upon affirmative evidence of the accuser's non-consent (i.e., that she had resisted), a fairly unusual standard in criminal law (Bevacqua 2000, 89),²⁵ absent, for instance, in robbery crimes. What is clear in cases of rape, then, is that the focus is on the accuser's testimony and what it could reveal about the accuser rather than on the offense itself.

Importantly, while all women were suspected when they brought their claims, not all could use the legal channel in the first place, and some were more suspicious than others. For instance, during the 1800s, most states excluded black women, both free and enslaved, from rape laws, and it was not until the 1860s that there were even laws in the books permitting a black woman to file rape charges against a white man.²⁶ Additionally, some categories of women were more suspicious than others. For example, a single poor woman with sexual history was immediately suspected of wanting the sexual act. Therefore, and as Freedman's (2013) seminal work shows, the approach to the crime of rape always reflected common views regarding sexuality, race, and class and strengthened the existing power relations. Fears of false testimonies, in

²⁵ While the Model Penal Code (MPC)—first drafted in 1955, published in the 1980s, and adapted to various degrees by states statutes—meant to depart from these common law standards, it still maintained many gender biases and, similarly, many states laws still hold biases in favor of the defenders. Anti-Rape activists sought to address these problems as part of their legislative reform efforts and succeeded in removing some barriers to conviction (Bevacqua 2000, 88–94). Special attention was given to evidentiary reforms, and some rules were abolished, such as the special corroboration requirement, proof of resistance requirement, and cautionary instructions given to the juries (Searles and Berger 1987).

²⁶ For further discussion of the history of sexual violence and racism in the U.S., see, for example, (A. Davis 1975; Freedman 2013; Jacquet 2019; Roberts 1997).

particular, enhanced the protection of white men and influenced troubling beliefs like the one that black women cannot be raped or that black men are an imminent threat to white women (27).²⁷

In contrast to the image of procedural fairness and neutrality that law professionals celebrate, the law, in its discriminatory treatment of victims/survivors of sexual violence, shows how only some bodies are protected and taken seriously when violated. Yet, using the language of neutrality can mask how the body matters in assessing women's testimonies or how the evaluation of facts and evidence is not an impartial process but one that is deeply rooted in histories of sexism and racism. This is not surprising given that throughout the history of Anglo-American jurisprudence, the primary authors of laws have been almost exclusively elite white men who designed the law based on their experiences and to serve their interests (Finley 1989, 893). Accordingly, and to this day, when women expose sexual violence and its harms, they often encounter deafness, indifference, and sometimes even hostility precisely because of the meanings that the listeners—shaped by these long-lived biases—assign to their bodies and speech acts.

Given these and other problems, since the early 1970s,²⁸ feminist movements in the U.S. and other countries had foregrounded the insufficient legal response to sexual

²⁷ The most extreme version of this ideology is the use of false testimonies by white women who accused black men and served to justify white supremacist violence in lynching (Armstrong, Gleckman-Krut, and Johnson 2018; Freedman 2013, chap. 5).

²⁸ Notably, the anti-rape movement of the 1970s had built on a long history and efforts paved by pioneers who spoke against rape, racism, and their interconnected relationship. Black women, in particular, played

violence at the center of their struggle and mobilized to eliminate problematic standards that treated women as non-reliable witnesses and caused double victimization. As Caringella (2009, 12) observes, “The rape reform movement tried to bring the views and treatment of rape in line with other crimes of violence, where victims are not treated with such suspicion, and themselves put on trial.”

Creating doubts: defense tactics to disqualify the victim’s testimony

Much was accomplished during the reform era of the second half of the 20th century. In the U.S., starting with Michigan’s 1974 Criminal Sexual Conduct Code (the most comprehensive law reform that served as a model for other states), the rape reform movement had succeeded in securing changes in rape laws across the country. Among other things, we witnessed critical definitional and conceptual changes, such as the removal of men’s sexual entitlement, a redefinition of rape as a crime of violence, the inclusion of a variety of nonconsensual sexual acts such as sexual harassment,²⁹

a vital role in creating the space for telling the truth about sexual violence. Black women who testified before Congress after the Memphis Riots of 1866 about being gang-raped by a white mob were perhaps the first women to break the silence about rape (McGuire 2004). Similarly, the first outcry against sexual assault as systematic abuse of women came in response to the lynching of black men and was articulated by prominent black women such as Ida B. Wells (Bevacqua 2000, 21).

²⁹ With the passage of Title IX in 1972, sexual harassment came to the fore in litigation and legislation. In the first Supreme Court case from 1986, *Meritor Saving Bank v. Vinson*, the Supreme Court recognized that women could participate in sex against their will even without being physically forced., i.e., it still can be unwelcomed. However, as many feminist legal scholars noted, this ruling establishes the welcomeness requirement, often leading to scrutinizing women’s behavior to determine whether the act was welcomed. As Susan Estrich points out, “Unwelcomeness has emerged as the doctrinal stepchild of the rape standards of consent and resistance, and shares virtually all their problems” (in Sanger 2003, 99).

specifications of minimum age for statutory rape, and removal of marital exemption (Caringella 2009, 17–18).³⁰

Yet, speaking about sexual violence before the law is still an endeavor that puts many victims/survivors at risk of undergoing excruciating interrogations and being disbelieved. An adversarial system like in the U.S. is especially predisposed to treat victims' voices as weapons in a litigious battle. In this system, trials are often described as "battles between 'warriors' who must 'break' and 'butcher' the witness" (Wellman 1997 in Smith and Skinner 2012, 304). An adversarial system celebrates rationality and aggression, disvalues emotive expressions, and fosters what Taslitz (1999) calls "macho adversarialism." The latter is best illustrated in the defense's techniques employed to confuse, coerce, and silence the victims and is especially prominent in the cross-examination process.

To exonerate the defendant, the defense tends to focus on the credibility of the victims and create doubts about their testimonies. Moreover, the defense interprets the standard of "beyond reasonable doubt" as having *no* doubt and influences the juries to abstain from convicting unless they are absolutely certain of the facts of the case. Thus, the defense uses any doubt about the victim's story to weaken the grounds for conviction (O. Smith and Skinner 2012).

The defense creates doubts about victims' testimonies by using different strategies. For example, it often calls into question the reliability of the victim's memory while

³⁰ See also (Bevacqua 2000, 88–102) for a comprehensive summary of the goals, achievements, and limitations of the Rape Law Reform movement.

using the victim's trauma against herself by claiming that it impedes a "proper" recollection of the facts (K. Campbell 2002; Dancig-Rosenberg 2008). Miller describes this in her statement when she says, "I was not only told that I was assaulted, I was told that because I couldn't remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me" (in Baker 2016). Similarly, emotional or sentimental recollections of traumatic events, which are common in victims/survivors' testimonies, are seen as inferior to the detached and objective report and are used to undermine the witness's authority as a trustworthy speaker.³¹ Finally, accounts with gaps, confusions, or ones that tell more ambiguous stories that do not fit within the recognized legal framework are viewed as less reliable and used against the victims/survivors (Alcoff 2018, 10).

In sum, the legal process leaves little room for emotions, silences, and ambiguity. It cannot deal with terms like "gray rape" and "sexual violation" that capture the complexity of some of the traumatic events and the broader ways in which victims/survivors' bodies were infringed. Though today the definitions of sexual violence are more expansive, the law continues to seek more definitive terms such as "forcible rape" (Alcoff 2018, 7, 9-10) and hinges upon issues of consent to establish guilt or innocence while this binary thought (of consent vs. non-consent, guilt vs. innocence) is in itself inappropriate for understanding the complexity of sexual violence (Smart 2015, 33).

³¹ Though, at the same time, if the victim/survivor does not exhibit emotional distress, she is suspected of lying about the severity of the crime.

Beyond the dismissal of the victims/survivors' experiences, their entire identity is questioned on the witness stand. To find gaps and destabilize the victim/survivor's testimony, the defense asks numerous questions about the incident and her past, habits, and personality. As Miller describes, instead of healing, she needed to prepare for "the attorney's questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers." Indeed, she recalls the questioning process as lengthy and excruciating, aimed at attacking her and weakening her story. "Instead of his attorney saying, Did you notice any abrasions? He said, You didn't notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth. The sexual assault had been so clear, but instead, here I was at the trial, answering questions like [...] *What were you wearing? Why were you going to this party? [...] Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats? Are you serious with your boyfriend? Are you sexually active with him? [...]*" (Miller in Baker 2016).

As we can see from Miller's statement, the defense also continues to exercise the problematic practice of inquiring about the sexual history of the complainant as well as her resistance to the sexual act. Today, in many countries and states that have undergone rape reforms, using sexual history evidence is no longer the default.³² Yet, it is still a

³² In the U.S., the Shield Laws, which were introduced in the 1970s, were meant to combat the use of women's sexual history as evidence in a rape trial. However, defense attorneys continue to introduce this kind of evidence in "creative ways" that bypass the law. There are also exemptions from protection in some states, such as in cases where the victim knew the perpetrator.

common technique used by many defense lawyers and significantly influences the juries (Temkin, Gray, and Barrett 2018, 213). This strategy aims to show the distance between the witness and the “ideal victim”³³ in order to discredit the victims/survivors who do not fall within this category. Accordingly, if the witness does not meet the expectations of the “ideal victim,” her testimony could be dismissed, and her experience annulled.

The latter technique is part of a more general method of using rape myths and stereotypes regarding the victim’s background, appearance, relationship to the offender, and lack of resistance to influence the perception of consent or deny her story altogether. “Rape mythology characterizes rape as an act of violent, forceful penetration committed by a stranger during a blitz attack in a public, deserted place. The victim is portrayed as a morally upright White woman who is physically injured while resisting” (Mont, Miller, and Myhr 2003, 469). Importantly, given the intersecting systems of oppression, individuals from different marginalized groups might face different sets of myths. For instance, due to histories of racism, black women face myths dating back to degrading beliefs about black women’s sexuality (such as the belief in their sexual laxity) (Bevacqua 2000, 62). In any case, rape myths ignore the most common acts of sexual violence, such as acquaintance rape or rape without the use of brutal physical

³³ Christie (1986, 19) identifies the following attributes of “ideal victim” and “ideal offenders.” The “ideal victim” is someone weak, sick, old, or very young. At the moment of the crime, the victim was carrying out a respectable project and could not possibly be blamed for being promiscuous. At the same time, the “ideal offender” is seen as big and bad and has no personal relationship with the victim.

force, discriminate against the most vulnerable subjects, and put into question testimonies that don't fit a narrow perception of sexual violence.

The problem of translation: the lawyer as a gatekeeper

The lawyer acts as a gatekeeper and focuses on preventing the victim/survivor's testimony from being vulnerable to the defense's strategies discussed above. To do that, the lawyer translates the victim/survivor's stories into legally legible terms while underscoring facts that could help convict the defendant and avoiding facts that are not conducive or even detrimental to winning the case. The problem with such an approach is the replacement of the victim/survivor's voice by her lawyer and the imposition of a narrow interpretation of the traumatic experience that is not necessarily aligned with the way the victim/survivor conceives it.³⁴ As Bourdieu (1987) elucidates, the habitus of the judicial field is determined by an internal power structure where different actors situated in different spaces compete over the right to define the meaning of the legal order. Through this internal competition, legal professionals define a narrow realm of legitimate interpretations that are available to legal interpreters and disqualify legal meanings that fall outside of it. In sexual violence cases, all too often, the way legal professionals interpret the law stands at odds with the way the victims/survivors understand and articulate their experiences.

³⁴ See (Trinch 2010) for a discussion of the regulation of victims of domestic violence speech by paralegals aimed at helping them to win the case; and (Eades 2000) for a study of cases in Aboriginal society in Australia and the limitations put on witnesses in the examination-in-chief both by their lawyers and the judges.

Hence, the need to rely on professional mediation can be seen as undermining the substantive value of the victim/witness agency in using legal channels since it privileges the authority of the professionals to formulate the facts of the events and not the witnesses' point of view. Thus, Cotterill argued that courtroom narratives are best characterized as "dual-authored texts," with the emphasis on the voice of the lawyer as the primary and authoritative teller and the witness as the means to be used (cited in Ehrlich 2007, 458).

So, even though the prosecution works to secure the complainant's legal rights, it does so in a way that often deepens her victimization and denies critical needs such as recognition or empowerment that might influence her decision to make a claim in the first place. Thus, "for a rape complainant, giving evidence is never a simple matter of telling her story. Whether and how she can represent herself as a credible witness and an authentic victim are determined by the legal rules, routines, and conventions framing the production of evidence and the conduct of cross-examination" (Larcombe 2002, 140). In giving her testimony before the law, the witness risks being silenced, discredited, or misinterpreted. Her voice is either mediated through her legal representative, who reshapes her story to fit the legal framework, or is interrupted and undermined by the defense. Either way, she is denied the opportunity to tell her truth using her own words.

This section reviewed some of the most crucial features of the legal system that often undermine women's testimony to sexual violence. While it did not exhaust all the obstacles that victims/survivors face within the legal arena, it gave a sense of the ways in which rape and sexual violence cases are viewed and treated by the law. In sum, this section shows why giving testimony before the law not only often results in a failure to convict, but also result in a further victimization of the victim/ survivor. Narrow definitions, problematic tactics by the defense, problems of translation, and other issues preclude the victims/survivors from effectively using their voices and often deter them from using legal channels to address the harms of sexual violence. Even in cases where the victims prevail—which constitute a small portion of the complaints since most of them do not even reach prosecution—the legal process entails multiple hurdles.³⁵ However, what is at stake here is not only a malfunctioning legal mechanism that precludes conviction and/or redress. The legal failures described here have additional normative and political implications, which would be the center of the rest of the chapter.

³⁵ Most sexual assaults are not reported to the police. For instance, according to the National Crime Victimization Survey from 2018, sexual assault remains the most underreported crime, with only 25% of incidents reported to the police (Benner 2019). Furthermore, according to Campbell (2005, 56), only 7% to 27% of the sexual assaults that are initially reported to law enforcement eventually result in charges being filed, and of these reports, only 3% to 26% yield some type of conviction (also see Lonsway and Archambault 2012).

III. Epistemic injustices: legal testimony as an archetype of testimonial injustice

When women, especially those from other historically marginalized groups, speak before the law, they often suffer from what Fricker calls testimonial injustice. According to Fricker, “The speaker sustains such a testimonial injustice if and only if she receives a credibility deficit owing to identity prejudice in the hearer; hence, the central case of testimonial injustice is [systematic] identity-prejudicial credibility deficit” (2007, 28). Since women who testify about the violation of their bodies are routinely discredited due to stereotypes and beliefs concerning their gender, sexuality, race, and other identity attributes, such experiences represent an archetypical case of testimonial injustice. Consequently, what is at stake in sexual violence cases is not only a failing legal process but also an ethical-political issue of credibility deficit that results in undermining women’s authority as knowers and speakers and the dismissal of the harms of sexual violence.

Epistemic injustice and its sub-set testimonial injustice are not limited to the legal arena. Testimonial injustice can accrue in any situation where the speaker is denied her capacity as a knower due to stereotypes concerning her identity. However, the law and its treatment of sexual violence is an especially problematic example of testimonial injustice because it claims to be impartial and promises “equal justice” and non-discrimination. However, as we saw, the law measures victims based on unrealistic standards, such as the “ideal victims,” which makes it extremely hard for most victims to prove the credibility of their story and meet the expectations of the ‘reasonable’ juror

who judges the truthfulness of their speech. Moreover, the law does not stand apart from history and culture but is infused with rape mythology that exposes its gendered nature (and its other ideological stances.)

Two issues are worth highlighting when considering the applicability of the ‘epistemic injustice’ framework to the legal testimonies of women. First, note how the law privileges “objective” facts over emotive and “subjective” memory and tends to undermine the kind of knowledge victims/survivors carry if it does not fit the objective, neutral, and impartial model of knowledge presupposed by the legal procedures. Essentially, “the law sets itself above other knowledges” and exercises its power not only through the concrete effects of its decision but also through its ability to disqualify other forms of knowledge (Smart 2015, 10–11). The rules of the legal discourse are based on and represent positivist epistemology and suspect non-legal knowledge or view them as secondary at best. Adopting a positivist perspective, legal officials see testimony as evidence that should provide a linear representation of reality. However, the trauma of sexual violence might preclude the victim/witness from giving a full and gap-free account (Alcoff 2018, 10). Therefore, one cannot always access traumatic experiences, such as sexual violence, as if it were a matter of discovering objective facts. In these cases, the testimonial scene includes [potential] epistemological gap between the legal positivist understanding of what constitutes facts and the victims/survivors’ experiences and how they perceive them.

Secondly, the positivist view is far from being neutral as it claims to be. Instead, it is imbued with gendered expectations and misogynist prejudices. As we saw in the previous section—for example, in the suspicion towards women in evidence procedures and the use of rape myths to disqualify women’s stories by the defense—the law does not live to its impartiality ideal, and women often experience testimonial injustice when they try to use its channels for remedy. Hence, in practice, the abstraction of the ‘average’ and ‘reasonable’ person before whom the witness should speak together with the presentation of a ‘neutral’ process of collection of evidence are problematic: they mask how conditioning the process on the victim’s credibility under legal standards enables dismissing the harm when the victim’s testimony is found unreliable (as it often happens due to prejudice and other biases).

Notably, although testimonial injustice is a type of epistemic injustice, it has important political dimensions. Expanding on Fricker’s definition, Medina (2013, 57) argues that “Testimonial injustices concern not only the epistemic deficits that oppressed subjects have to endure, but also the epistemic excesses (e.g., excessive authority and credibility) that privileged subjects enjoy.” Both the deficit and excess of credibility are a product of *systematic* misattribution of credibility and authority in a testimonial exchange in an unjust society (59). Hence, in addition to epistemic and ethical injustices, there is also a political injustice where a “differential treatment of entire groups [...] contributes to an unjust configuration of the whole polis.” As a result, we find “a political dysfunction within which the epistemic and ethical dysfunctions

have to be located and understood, since the latter result from (while at the same time feeding into) the former” (89).

Feminist philosopher Kate Manne (Manne 2018, 2020) recently provided a similar account concerning the epistemic status of women. According to her, a credibility deficit is almost a ‘necessary’ result in cases where the status of the dominant men is in danger. In patriarchal societies, women are accorded trust and credibility only in some domains of life and when they do not challenge the men’s entitlement (for instance, as caregivers in the realm of the household). However, when women claim authority in other domains where men see themselves as entitled to special privileges (such as sex and the legal arena), their claims are seen as out of place and thus unwanted (Manne 2020, 140). Therefore, in rape trials and other “he said/she said” situations in which women challenge men, the listener is more sympathetic to the male perpetrator—a phenomenon that Manne calls “himpathy.” In these cases, the listeners “move from the premise that he’s an “honorable man” or “good guy” to the conclusion that she must be lying or hysterical, instead of responding properly to the stronger evidence that she’s the one telling the truth” (Manne 2018, 180). Himpathy is, therefore, the flip side of misogyny³⁶ as it “goes hand in hand with blaming or erasing the victims and targets of misogyny” (Manne 2020, 37). Moreover, it is precisely when women claim to be

³⁶ Manne conceptualizes misogyny “as the ‘law enforcement’ branch of patriarchy—a system that functions to police and enforce gendered norms and expectations, and involves girls and women facing disproportionately or distinctively hostile treatment because of their gender, among other factors [...] misogyny is typically (though not invariably) a response to a woman’s violations of gendered ‘law and order’” (Manne 2018, 7).

victims of misogyny, like in cases of sexual violence, that they are systematically disbelieved and punished for trying to challenge the patriarchy (53).

Building on the framework of epistemic injustice, we can conclude and say that while the law holds a positivist epistemology to truth and knowledge, it embodies the male position, overlooks how identity prejudices underpin its judgments, and quite literally enforces men's superiority through its operations. Hence, for victims/survivors, the most common outcome of the legal process is not recognition, healing, or empowerment but testimonial injustice and a second experience of trauma. The immediate implication of testimonial injustice is the defeat of the victims/survivors (in the courtroom or other legal avenues) and the silencing of their voices. More broadly, though, since testimonial injustice not only devalues the speaker but also discriminates against her due to essential features like gender or race, it affects the entire group with which she is identified (Fricker 2007, 53). Accordingly, testimonial injustice maintains the current power relations since "credibility deficits—and surpluses as well—often serve the function of buttressing dominant group members' current social position and protecting them from downfall in the existing social hierarchy" (Manne 2018, 194).

By pointing out that the credibility deficit is a product of social hierarchies and asymmetrical power relations, philosophers like Manne and Medina move us toward grasping the political implications of undermining victims' testimonies within the legal sphere. They allow us to see how the strategies employed to discredit victims are part

of a bigger political problem of devaluing women and other marginalized groups as *citizens*. In other words, because women are considered less valuable political subjects when they speak out and seek to expose the harms they endure from sexual violence, they are not taken seriously and are easily dismissed as unreliable. In the concluding section, I develop a more explicit account of these political implications, focusing on the democratic injustices that can occur with testimonies to sexual violence.

IV. Democratic injustices: the democratic implications of undermining women's voices under the law

Tracing the definitional changes of rape in the context of the U.S., Freedman (2013, 11) argues that “much more than the legal definition of rape is at stake. The history of repeated struggles over the meaning of sexual violence reveals that the way we understand rape helps determine who is entitled to sexual and political sovereignty and who may exercise fully the rights of American citizenship.” Indeed, as I will argue in this concluding section, tracing the way women victims/survivors of sexual violence are treated by the law when they testify to this crime reveals much more than what kind of procedures or organizational limitations they face. As we saw, when the law systematically dismisses women's testimonies to sexual violence as unreliable, it denies the victims/survivors their authority as knowers, credentials as speakers, and a recognition of the crime and its harms. As we will see now, discrediting women victims/survivors of sexual violence as witnesses also has important political implications. It diminishes the value of their voices as subjects under the law and their

equal standing as citizens in a democratic society more generally. Specifically, it undermines women's substantive equality in the sense of being able to meaningfully shape the processes that have a direct impact on their lives. Therefore, this discussion established the need to go beyond the "thin/procedural" model of liberal democracy that has not given equal value or voice to women or other historically marginalized groups and to see how civic testimony, and the push for a more equal civic and political voice, can offer one way in which to move toward more egalitarian democracy.

The ideal of equal voice is fundamental to modern democratic theory. Its denial serves as a serious warning sign to democratic institutions as it calls into question their ability to live up to the ideals that are supposed to guide them. One way to conceptualize equal voice is through the prism of individual rights and freedom of speech granted by the Constitution and protected by state institutions. This is one of the core principles of liberal democracy, a model that focuses on the protection of human rights, individual liberties, and the rule of law. Most famously, Rawls (1993) conceptualizes political liberalism as a system in which power is legitimate only when exercised in accordance with a political conception of justice; wherein the latter includes fundamental ideas such as civil liberties, equality, and fair opportunities for all. In "Justice as Fairness" (2001), Rawls emphasizes the importance of basic rights and liberties as public goods that citizens seek to have and adds the notion of self-respect tied to citizens' sense of self-worth as a result of institutional recognition (58-59).

These understandings are also central to liberal legalism, a framework that informs the legal institutions in the U.S. This approach derives from political liberalism, shares its commitment to individual liberties, and focuses on maximizing equality before the law and protecting individual rights (Brown and Halley 2002, 10). As with liberal democratic theory, liberal legalism conceptualizes the ideal of equality in formal and procedural terms (Cunningham 2002, 44; Torres and Guinier 2014, 2747) and views legal subjects as “rational, autonomous, self-contained, self-possessed, self-sufficient and formally equal before the law” (Hunter 2013, 13). As part of that, liberal legalism perceives the law as a neutral and autonomous institution whose role is to solve problems within a specific subject area “according to shared moral values and political ideals, universal principles, rational argument, doctrine and logic” (19).

Both political liberalism and liberal legalism have been the target of feminist critiques for a long time. For instance, Phillips (1992) highlights the limited manner in which it treats citizenship, participation, and heterogeneity, essentially arguing that, at least historically, liberal democracy restricted the scope and intensity of citizens’ engagement and failed to deliver on the promise of political equality. Prominent feminist scholars such as MacKinnon (1983) and Fineman (1990) argued that contrary to the image of a neutral, disembodied, and value-free institution, the law is gendered. Thus, serving women’s abstract rights does not address the roots of sex and gender-based inequality. Accordingly, some feminists point to the ways in which the legal

person and its traits are masculine, thus making it very difficult for women to be seen as persons before the law (Naffine 2011).³⁷

The challenges victims/survivors face when testifying before the law discussed in this chapter provide additional support for such feminist critiques of political liberalism and liberal legalism. Moreover, these challenges flag a serious problem with some of the most fundamental principles of liberal democracy as they relate to women survivors/witnesses of sexual violence. Systematically undermining women's voices only because they are women or because they challenge "the way things work" in patriarchal societies undercuts the principle of equal voice, denies women self-respect in the Rawlsian sense, and exposes a system where fairness and equality fail women already at the procedural level. Likewise, the law not only fails to protect women's rights, such as the right over their bodies, or provide them a remedy when their bodies are violated, but by failing to grant them institutional recognition, it treats them as lesser persons and secondary citizens.

Importantly, this claim does not entail taking the content of women's testimonies as unquestionable claims. Rather, it demands to treat women as trustworthy subjects and equally worthy legal persons and citizens. As Bolinger (2021) rightfully argues, trusting speakers does not mean taking for granted the certainty of their claims; the latter would still need to go under investigation. The problem is that women as (legal)

³⁷ For additional feminist critiques of liberal democracy, see also (Brown 2000; Pateman 1970, 1980; Stopler 2021; Young 1989). For an overview of feminist critiques of liberal legalism, see, for example, (Hunter 2013).

subjects are persistently under-trusted, especially when they bring personal accusations of sexual violence. The law, as well as the public more broadly, focuses disproportionately on the possibility that they are lying and holds them to different standards compared to other witnesses in other types of crimes. The immediate political implication of this is that the principle of equal voice is violated on an even deeper level than the one presupposed by liberal democrats. That is, what we have here is not only or primarily a violation of women's right to speak as such or to access the legal channels for remedy. At least theoretically, in the context of the contemporary American legal system, all women can use and speak before the law, and there are almost no legal standards that *explicitly* discriminate or exclude women (although, to this day, there are many conditions, such as the economic burden that lawsuits entail, that preclude many women from using the law de facto). Instead, I claim we deal here with denying equal voice in a more substantive sense.

Reflecting on recent debates on campuses and social media in the U.S. regarding the limits of free speech, Teresa M. Bejan (2019) points to a tension between two words for "free speech" in ancient Greek. The first, *parrhesia*, literally means "all saying," i.e., a license to say whatever one wants without limitations, even if it could cause an offense. The second, *isegoria*, means "equal speech in public," i.e., an equal right of citizens to participate in public debate in the democratic assembly. Where the former is tied to the principle of freedom as license, the latter is fundamentally about the principle of equality. As such, free speech in the second meaning was the very hallmark of

Athenian democracy and still reflects a key concern for marginalized groups struggling for political inclusion and social justice. What Bejan suggests is that what those who protest hate speech or who put feminist and critical race theories into practice “care about is the equal right of speech, and the equal access to public forum in which the historically marginalized and excluded can be recognized and heard on equal footing with the privileged. This is a claim to *isegoria*” (105). Following this logic, I argue that repressing, disqualifying, and undermining women’s speech before the law violates *isegoria* because it precludes equal access to the courtrooms and other legal arenas in the sense of excluding women from being recognized as trustworthy subjects and their voice from being heard on equal footing. Thus, it is not so much a question of whether women are allowed to pursue a legal case but rather what kind of status they and their claims have in the eyes of the legal staff and institutions.

This notion of *isegoria* takes us towards an egalitarian model of democracy that emphasizes the significance of equality for citizens’ freedom. According to Anderson (1999), the ideal of democratic egalitarianism seeks to construct a community of equals by guaranteeing all citizens equal access to the social condition of their freedom (289). That is, the fundamental aim of citizens is to secure everyone’s freedom by abolishing any form of oppression and constructing a social order in which persons stand in a relation of equality with others. “To live in an egalitarian community, then, is to be free from oppression, to participate in and enjoy the good of society, and to participate in democratic self-government” (315). The undermining of women’s testimonies within

the legal arena due to prejudices that position women as unreliable subjects and their claims regarding sexual violation as a priori suspicious is a clear case of unjust deficiencies in the social order and a hierarchical institutional arrangement that goes against the principles of egalitarian democracy proposed by Anderson.

In light of this, we can say that women's testimonies to sexual violence represent a case of women's inability to *effectively* use their voice in the institutions that shape their lives. This poses a serious problem for deliberative democrats as well, particularly those who argue that institutions are legitimate only to the extent that they provide and encourage deliberation and public argument and reasoning among *equal citizens* (Cunningham 2002, 163; Habermas 1984, 1996, 2007). For example, though much of his theory focuses on the public sphere and its relationship to the political system, Jürgen Habermas held that "rather than seeing law as no more than a way of regulating competition (liberalism) or as an expression of social solidarity (republicanism), the prime function of constitutions [...] is to institutionalize the conditions for deliberative communication" (in Cunningham 2002, 169). The law plays an important role in constituting the very conditions of egalitarian communication among citizens. However, as we saw, it fails to grant women, victims/survivors of sexual violence, these conditions within its own arena. Thus, the law fails to secure equality in the sense of a "full participation and inclusion of everyone in a society's major institutions, and the socially supported substantive opportunities for all to develop and exercise their capacities and realize their choices" (Young 1990, 173) within its domain.

While for Habermas and other theorists of deliberative democracy (see, for example, Benhabib 2021; Cohen 1989), communicative action is the heart of democratic processes and what legitimizes them (as long as it approximates the ideal conditions of deliberation and, most importantly, ensures that all participants are free and equal), they often limit deliberation to “well-articulated” arguments over specific facts/problems or the conditions of the discourse itself (Cunningham 2002, 165). Accepting the main pillars of this theory yet significantly revising it, Young (2010, 40, 57–77) argues that we need to expand the scope of what counts as valid communication to include things like greeting or public acknowledgment, rhetoric, and *narrative*. Since testimony is one genre of a narrative, Young helps us identify it as an important site from a democratic perspective. Following Young, if one typically thinks of democratic deliberation in relation to legislative decision-making, we can illuminate additional spheres where what is at stake is one’s ability to meaningfully participate in processes and institutions that impact one’s life. In testifying, women share their experiential knowledge of sexual violence. Whether and how the listeners accept their voices not only shapes the outcomes of their specific case but is also a critical condition that impacts their lives. For instance, if we listen to women’s experiences and take them seriously, we might learn new forms of sexual violation that otherwise would remain unrecognized and include them under the crimes condemned by law.³⁸ Hence,

³⁸ Think, for example, of new laws that respond to information brought by, among others, women who share their firsthand accounts, such as the recent laws in California and countries like Germany and the U.K., making stealing a punishable act of sexual assault.

dismissing women's voices on a witness stand is equal to precluding women's impact on processes that have critical implications for their lives.

There are many other democratic issues at stake in repressing women's voices before the law. Yet, I want to conclude this discussion by connecting the violation of women's equal voice to the violation of another democratic principle: pluralism. Like freedom, equality, and other core ideas in democratic theory, the specific interpretation of the notion of pluralism depends greatly on one's theoretical and normative commitments. Yet, while pluralism is only one of several building blocks in most models of democracy, it is the very foundation of theories of radical pluralism or radical democracy. Hence, these concluding notes will draw on this approach to democracy.

According to Mouffe (2009, 2018), for example, modern democracies are distinguished from ancient democracies by their unique character of pluralism. Yet, this unique feature also confronts our societies with an urgent question of how to organize the social order *while* preserving differences. For Mouffe, like other radical pluralists, differences and the conflicts that arise from them are not something we should strive to eliminate, placate, or homogenize but the very nature of democracy that we should celebrate (Laclau and Mouffe 2001, xviii; Mouffe 2009, 19). To acknowledge plurality means to accept its irreducible nature instead of working towards consensus, as Habermas or Rawls propose (Mouffe 2009, 49). If so, Mouffe's solution for constituting a vibrant democracy is turning antagonism between enemies into agonism between adversaries. That is, we should allow confrontations between different

legitimate voices that challenge each other and provide real alternatives. Without such confrontations, all we are left with is the politics of ‘us vs. them,’ which undermines the basis of democratic society (115). Precisely because this view acknowledges the irreducible plurality, it also acknowledges that democracy is a never-ending process and that there is always an “outside” (Mouffe 1992, 379). This, of course, doesn’t mean that we should not work to constitute egalitarian social relations; quite the contrary, constituting them is an ongoing project in our democratic societies.

Contrary to Mouffe’s approach, liberal legalism at the basis of American legal institutions rejects the relevance of differences. The very premise of “equality before the law” is to treat everyone the same and be blind to differences. However, as many feminist and critical race scholars argue, this approach only serves the privileged (see, for example, Young 1989; Crenshaw 2019). In practice, the law is not blind, and it does not treat all victims/witnesses in the same manner. As we saw, when listening to women’s testimonies, the law constructs a category of an “ideal victim” and tests the compatibility of victims/survivors of sexual violence to this category. In cases where the woman’s experiences or identity deviates from the “ideal model,” she is suspected of lying, and her testimony undergoes excruciating interrogation that has more to do with who she is than the offense. So, to go back to Medina’s point, women’s voice is repressed and rejected on the witness stand because of their status in the polity more generally, and this rejection, in turn, reproduces and deepens the exclusion, inequality, and discrimination against women. Given the background prejudice at work in legal

judgments, claims for “blindness,” universality, and neutrality are all masking how some bodies are seen as less worthy of protection and how some voices don’t count as much as others.

V. Conclusion: moving beyond the law?

In liberal democracies that forefront the law as the guarantor of individual freedoms and rights, we have come to associate the practice of testimony most closely with the legal arena. Accordingly, one of the key channels opened for victims/survivors to address the harms of sexual violence is giving testimony before the police or courtrooms, as well as other legal forums. However, as this chapter showed, when victims/survivors choose to use the law to deal with sexual violence, they face numerous challenges that most often result in further victimization. The testimonial scene often becomes a site of a struggle between professionals whose only worry is to win the case while the victims/survivors undergo excruciating interrogations. They are suspected of lying, questioned, disbelieved, and sometimes utterly dismissed. This suspicion towards the female witness is encoded in American legal history through narrow and discriminatory definitions of rape and continues to manifest itself in contemporary myths and problematic practices and procedures to this day.

Moreover, the chapter illuminated the specific epistemic frameworks that stand at the core of the legal approach to victims/survivors’ speech. In contrast to the promise of neutrality and impartiality, the law exhibits prejudice and disproportionately discriminates, excludes, and violates historically marginalized social groups like

women. When standing on the witness stand, women arrive with a credibility deficit, while their perpetrators with credibility excess. Both the deficit and the excess are products of the status they inhabit on the social and political hierarchy. Thus, what we have here is a legal mechanism that reflects and reproduces deeper epistemic and democratic injustices.

In other words, not only is the legal process in the U.S. based on the arguably thin framework of liberal legalism that focuses solely on procedural principles, but as we saw, in cases of sexual violence, it often fails to provide the victims/survivors with basic rights such as equality before the law. As a result, the legal process often ends with a defeat of the individual victims/survivors (when the case gets close, for instance). Furthermore, the law reflects deeper problems of discounting women as trustworthy persons and equal citizens. Women can't voice their testimony in effective ways to shape processes that impact their lives. Even when they access the legal arena, their voice doesn't have the same equal value in terms of *isegoria*.

Where does this discussion leave us in terms of using the legal arena to voice the harmful experiences of sexual violence? Can and should we reinvest the law with a democratic commitment to improve its response to survivors? How may such a process look like? Or, alternatively, should we reject the legal arena altogether? I will go back to these questions in the concluding chapter with a more comprehensive response. Yet it is worth sketching a preliminary answer to these before moving on to the analyses of civic forms of testimony.

While some law and society scholars may be more optimistic,³⁹ the insights presented in this chapter confirm more pessimistic views concerning the adequacy of the law to bring broader societal change, such as Corrigan's (2014), who cautions against putting too much faith in legal reforms for solving social problems like rape. Like Corrigan, I am skeptical that reforms could be a vehicle for change on their own, or for our purposes here, that they could give victims/survivors of sexual violence adequate conditions to address the roots of the issue of sexual violence. Therefore, I argue for the need to find additional channels where women can voice their experiences more freely and where testimonies could be used as a vehicle for societal change.

Some may argue that the inefficiency of using the law to solve social problems is inherent in the form of justice it entails. Essentially, liberal legalism is based on a liability model of justice that individualizes the issues at hand by decontextualizing the harms from larger social or cultural forces and assigning responsibility to a specific party. According to Young (2011), the liability model focuses on ascribing guilt and fault to the harm and assigning responsibility to a specific agent(s) in order to impose sanctions, punishment, compensation, or redress (97-99). However, such an approach separates the harm from broader processes that condition and contribute to its production and thus is unable to address social and structural injustices (96).⁴⁰

³⁹ For example, law mobilization scholars focus on the question of whether and how the legal channel could be mobilized for broader political changes. Among the more optimistic accounts that believe that the law plays an important part in social movements mobilization, see, for example, (McCann 2006).

⁴⁰ As an alternative, she suggests a social connection model that refers to our mutual responsibilities as citizens. According to this model, "the point is not to compensate for the past, but for all who contribute

If we understand sexual violence as a crime that has a social dimension—that it is a social phenomenon that derives from social norms and understandings of sexuality—then the liability model might have little to offer to counter the social conditions that produce it. Hence, even in the best case where the victim receives remedy and recognition, one might argue that her testimony under the law has little impact in the broader sense of affecting social and cultural conditions that denigrate women’s values and sexual autonomy. Specifically, if the goal of giving testimony is not only to fulfill the personal needs of specific subjects but also to alter the social conditions that enable and reproduce this crime, then speaking in the legal domain might not have the desired outcomes due to its tendency to separate, individualized, and decontextualize crimes.

Furthermore, according to some critics, the law is also limited in the solutions that it offers as it holds a punitive approach to justice. I will go back to this discussion at the very end of the dissertation, but for now, it is important to recall the critiques of increasing the reliance on a criminal system like in the U.S. that is fundamentally biased against people of color. Black feminists in the U.S., in particular, oppose increasing police and state intervention because of the way they target and discriminate against black communities (K. Crenshaw 1994; Kim 2018). Building on the intersectional approach, critics argue that “carceral feminism”⁴¹ only contributed to the raise of the

to processes producing unjust outcomes to work to transform those processes" through collective political action (Young 2011, 109). I will go back to this point in the next chapters, where I discuss extra-legal testimony.

⁴¹ This term was developed to critique the use of criminal responses to sex trafficking and is now used more generally to refer to feminist anti-violence collaboration with the carceral state (McGlynn 2022). The anti-rape feminists of the 1970s, in particular, are the target of this line of critique.

“prison nation” that further deepens racial disparities without solving or changing the social conditions that allow the violation of women’s and other marginalized bodies (Armstrong, Gleckman-Krut, and Johnson 2018; S. B. Boyd, Chunn, and Lessard 2007, chap. 5; Bumiller 2013). Thus, the anti-carceral feminists suggest thinking about alternative approaches to justice and specifically abolitionism.⁴² For example, Bumiller (2013, 205–6) argues that we should redirect our attention to the most persistent problems causing sexual violence, like the social and economic disadvantage experienced by women, or reinstate the original grassroots impulses by connecting to other anti-violence movements locally and globally.

I do not think it is accurate to portray the agenda and the achievements of the reform era as being focused on the goal of incarceration.⁴³ Studying the Canadian rape reforms, Gotell (2015) finds that feminists not only did not aim to increase incarceration but were very critical of the law and order state. The Canadian campaign shows that “feminists have pursued law reform strategies to gain recognition of the harms caused by sexual assault,” improve the treatment of complainants, avoid compromising victims’ dignity and autonomy, and challenge public perception of sexual violence, “not to punish and incarcerate perpetrators” (69).

⁴² See, for example, the recent work by (A. Y. Davis et al. 2022) that traces genealogies of organizing that shaped the relationship between abolitions and feminism in the 21st century.

⁴³ As we shall see in the next chapter, the legal route was only one among many other interventions. In fact, the radical wing of the movement consciously removed itself from efforts to reform the law and focused on radical activism and mobilization of political action to impact broader cultural changes.

Similarly, while recognizing the serious limits of the law, I think it would be a mistake to completely abandon or avoid the legal arena in contemporary struggles. As I expand on in the concluding chapter, I agree with those who raise concerns about the anti-carceral rejection of the law and the equation of all feminist reforms with carceral efforts and all carceral efforts with more criminal convictions. As Mary Ann Franks (2017, 1302) points out, criminalisation is “not synonymous with incarceration, and incarceration is not synonymous with mandatory minimums or lengthy sentences.” There are many ways to improve legal response to women without affirming carceral logic, for instance, by investing in trauma-informed training of legal and medical staff. As Corrigan (2014) points out, there are multiple areas that need our attention, such as medical Sexual Assault Nurse Examiner (SANE) Programs, emergency contraception notification, and access laws. Her interviews show that medical professionals often fail to provide emergency contraception information to rape victims. And Rape Crisis Center advocates who are trying to help victims/survivors are often called “feminazis” by other people in the legal system. Working on addressing these issues does not support or contribute to the carceral state.

Furthermore, we must account for the survivors' needs and the fact that for many of them, the criminal justice system is still a desirable route to undertake. “Therefore, an anti-carceral approach that entirely disengages with criminal justice systems does not reflect the perspectives of some survivors, nor does it support their journeys seeking redress and accountability” (McGlynn 2022, 3). Moreover, even if we choose to

disengage from the law, it will continue to shape and impact our lives (7). Thus, without a change, the law will continue to neglect and marginalize women. With no progressive strategy, we also risk leaving the criminal law to the influence of conservative forces working to undermine women's and marginalized groups' rights, as the overturn of *Roe v. Wade* recently showed.

If so, I agree that “recognising that racism, as well as class, gender, age and immigration status, are key factors in how the criminal justice system responds to sexual violence, need not lead inexorably to disengaging with that problematic system” (McGlynn 2022, 5). Similarly, the discussions presented in this chapter regarding the different forms of injustice the legal testimony entails should not lead us to reject the law altogether. Not only will the legal forum continue to be one of the sites where women can voice harm and receive remedy, but it is one of the key state institutions that we should not leave to anti-democratic and illiberal forces to shape as they wish. Rather, what the analysis in this chapter establishes is the need to reinvest the law with a commitment to victims/survivors of sexual violence. However, I believe such reinvestment demands extra-legal pressures. Moreover, this analysis supports arguments in favor of providing additional and more democratic channels for women and others to voice their experiences, especially given the current legal limitations. Hence, in the next two chapters, I turn from the limitations of the law to the examination of testimonies given in civil society and the potential they carry for the victims/survivors as well as their broader democratic capacities.

3. Body politics and civic testimonies: the political role of women's testimonies in the anti-rape movement in the U.S.

I. Introduction

This chapter turns the focus from the constraints imposed on women's speech when they use the legal domain to the new possibilities civil society opens for women victims/survivors of sexual violence. Testifying to sexual violence before the police or in the setting of the courtroom is one of the most common ways through which women and other victims/survivors of sexual violence seek to expose and address the harms of sexual violence. However, as we saw in the previous chapter, the legal arena suffers from multiple problems that prevent victims/survivors of sexual violence from standing as equals before the law and their speech being taken seriously. Furthermore, we discussed how these legal failures implicate epistemic and democratic injustices, thus calling for finding other arenas where the practice of testimony could fulfill its potential as a democratic tool. I believe such arenas exist and not only as abstract ideals.

As Counterpublics scholars instruct us, we need to recognize that not all valuable speech occurs in officially sanctioned public forums. Instead of presuming one dominant public sphere, they illuminate the multiplicity of publics and the disparities between them (Brouwer 2006, 200). Furthermore, they call our attention to the oppositional force of the subordinated publics and the work they do to challenge the dominant discourses. In one of the most cited definitions of counterpublics, Fraser (1990, 67) argues that subaltern counterpublics "are parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which

in turn permit them to formulate oppositional interpretations of their identities, interests, and needs.” In light of that, those who are interested in deepening our democratic norms and institutions must attend to the multiple ways in which marginalized individuals and communities make their voices heard in alternative spaces. Hence, limiting our analysis of the political capacities of testimonies to their appearance before the law would be a mistake. Instead, we need to recognize that while many victims/survivors still opt to use the law, others choose spaces within civil society [instead of or in addition to the legal route] to voice their experiences, provide critiques of law and dominant culture, and formulate novel approaches for addressing sexual violence.

Specifically, turning our gaze away from the legal sphere allows us to see that, historically, the testimonial form of speech has been prevalent in many extra-legal domains, and some examples illustrate its transformative capacities, or at least the transgressive potential that this genre of speech holds for women in the struggle against sexual violence. One such example is the use of testimonies in the context of the anti-rape movement during the early 1970s in the U.S. This movement was part of the second wave of feminism, which was arguably one of the largest and most consequential social movements in the history of the U.S. (Echols 2019, viii). Although we do not always recognize it, many of the understandings of sexual violence we hold today were directly shaped by the women’s movements of this period when phenomena such as “sexism” and “sexual politics” were articulated by radical feminists (xxxix).

Moreover, what I find most illuminating about the anti-rape movement for my work is the vital role that survivors' testimonies played in instigating it, building a theory of rape and sexual violence as political issues, and mobilizing different forms of political action to subvert the logics and structures that enabled this form of violence to go unchallenged.

When looking at the anti-rape movement's agenda, getting the law to prohibit and punish sexual violence—after this type of violence had been ignored or considered non-problematic for so long—was one of its key goals, and much of its more institutionalized activism was channeled toward this end. However, if one redirects the attention from official institutions and more formal channels of the feminist struggle toward spaces of radical activism, one will find radically different ways through which women testified about sexual violence and learn about the political potential these testimonies held for victims/survivors and other women. Accordingly, this chapter focuses on the use of testimonies in the context of radical feminism and asks what the characteristics of these alternative forms of testimonies are and what kind of politics they constitute or call upon.

The counterpublics literature is insightful for addressing this question not only because it redirects our inquiry toward non-hegemonic discourses but also because it illuminates some of the promises they hold for those marginalized in the dominant sphere, such as legitimizing and assisting in affirming marginalized identities, promoting solidarity, challenging the status quo, convincing society of the validity of

marginalized claims, to mention just a few (Brouwer 2006; Felski 1989; Fraser 1990; S. J. Jackson and Foucault Welles 2015). Survivors' testimonies that stand at the center of this chapter confirm these insights and illustrate how they take place in concrete conditions of sex and gender-based oppression. However, I argue these testimonies do more than exemplify the arguments made by counterpublics studies. While counterpublics literature directs our attention to the right place in the search for practices and spaces where oppressed voices are heard and taken seriously, as well as unpacks some of the potentialities of these arenas, there are a few shortcomings that my analyses wish to address. In doing so, they also explicate the political power of testimonies as democratic tools.

First, counterpublics literature conceives counterpublics in almost exclusively discursive terms. It is evident in Fraser's definition above. However, it is also true in other notable conceptualizations, such as Felski's (1989) famous definition of feminist counterpublic as an oppositional discursive arena within the society and Warner's (2002, 2010) understanding of counterpublics in relation to text and its circulation among strangers. However, what about other aspects involved in the constitution and maintenance of counterpublics, such as emotions, sensations, desires, and visceral forces? Since what has been termed as affect turn, scholars call our attention to the role these non-discursive aspects play in politics. Some even build on Fraser's counterpublics work to argue that affect circulates through these counter-narratives and generates a counterpublics formation (see, for example, Papacharissi 2015, 2016;

Schultermandl et al. 2022; Travers 2003). This chapter builds on the latter approach and expands it by presenting a thorough analysis of the discursive, epistemic, and affective aspects involved in the process of giving testimony and the critical relationship between these different dimensions. Drawing on testimonies of victims/survivors in consciousness-raising groups, speak-outs, conferences, and other settings of anti-rape activism, it shows that no testimonial scene is purely discursive, and that emotive energy often drives one to testify. Moreover, the oppositional force of testimony as epistemic and discursive practice—one that can challenge dominant discourses and invent new language—is inseparable from and depends on the affective circulation of anger, pain, empathy, as well as hope and energy for change.

Secondly, both in the case of canonical counterpublics literature and its affective version, it is not always clear *how* counterpublics are constituted. Even those who try to answer this question do not always provide a clear mechanism. For instance, Assen (2000, 437) suggests focusing on the “discursive norms and practices through which participants in the public sphere articulate recognized exclusions.” However, what are these practices? Is the articulation of exclusion enough to constitute a counterpublic, and does the expression of exclusion serve as both a means and an end of counterpublics? Similarly, when affect theorists illuminate how affect builds counterpublics, it isn’t clear whether there is something distinctive about the constitution of counterpublics versus other sorts of oppositional claims and whether there is a difference between the stage of constituting a counterpublic and the

movement it produces. The methodical analysis presented in this chapter sheds light on these questions by illuminating how testimonies to sexual violence create discursive, epistemic, and affective counterpublics. While not all counterpublics are created by testimonies, this analysis provides a terrain for future inquiries by explicating the conditions and practices through which one genre of speech (here, testimony) creates counterpublics. It shows how by helping to arrive at self-understanding and granting access to experiential forms of knowledge, testimonies produce subversive content and new language. Moreover, it shows *how* emotions work through testimonies to create *affective solidarity* between the speakers and the listeners—solidarity that serves as a precondition for any further political action but does not exhaust the political capacities of the counterpublic produced by testimonies.

Thirdly, and relatedly, there is a lack of clarity and agreement on the kind of politics that counterpublics practice and call for. While Fraser's definition resonates with many contemporary scholars who apply it to new arenas where they believe marginalized groups operate as oppositional forces (see, for example, Hill 2018; Kuo 2018; Renninger 2014), others have critiqued its limited democratic promise. For instance, Loehwing and Motter (2009) claim that counterpublic studies following Fraser seek to merely promote inclusion within given democratic societies without challenging the democratic framework itself. Contrasting counterpublics studies with Habermas' public sphere theory (against which Fraser and other counterpublics scholars position themselves,) they argue, "The normative vision of counterpublic studies differs greatly

from Habermas's because, as Fraser implores, scholars should focus on actually existing democracy to reveal the exclusionary practices of dominant publics in a way that promotes a more democratic communicative ethic between and among publics" (227). According to them, while Habermas' theory sees democracy as an ongoing process constituted through public deliberation, counterpublics literature views democracy as a setting in which the counterpublic operates and the level of optimal universal access to participation (231). While I disagree that counterpublics literature accepts the given order and merely seeks to achieve recognition of new identities, I agree that more work could be done to stand on the kind of politics these counterpublics allow and call for.

Hence, drawing on Lauren Berlant's (2008) concept of intimate publics, in the concluding discussion, I argue that the politics these testimonies practice could be best understood through the idea of *intimate counterpublics*: counterpublics that are highly personal, intimate, and affective on the one hand and utterly political, oppositional, and antagonistic on the other hand. In fact, these testimonies are the incarnation of the impossibility of the division between the private and the public or the personal and the political. As such, these counterpublics do not call for politics of separatism, and they do not wish the state to colonize all that is personal. Neither do they call for a withdrawal from politics altogether. Instead, these counterpublics build and practice a political community that is based on personal experiences and interpersonal relationships but with a clear plan for theory-building and total social transformation.

This also helps to clarify what is meant by the famous slogan of radical feminists “The personal is political.” This slogan is not about the explosion of the personal or the privatization of the political (Warner 2010, 33–34) but a constant holding of both. Furthermore, recognizing these counterpublics and fostering them is essential for healthy democratic societies that give space for differences and disagreements instead of homogenizing the public sphere under a false sense of separation between the private and the public and between the personal and the political.

To develop these theoretical arguments, the chapter starts with a brief historical background on the anti-rape movement. It then gives some context to the specific settings within which testimonies were especially central by providing an overview of consciousness-raising and public speak-outs. With this context as a background, I move to the analysis that shows how testimony to sexual violence creates discursive counterpublics to this injustice by actively challenging dominant scripts of rape and creating alternative understandings and vocabulary of rape. Secondly, it shows how the counterpublics made through women’s testimonies to sexual violence are not only discursive and epistemic but also affective. Here, it sheds light on the embodied aspects of these speech acts and how they create affective solidarity. Drawing on these analyses, the chapter moves to explicate the argument according to which the political value of testimonies is the constitution of intimate counterpublics.

II. Historical background: rape on the feminist agenda

The emergence of anti-rape goals on the feminist agenda during the 1970s in the U.S. was not an entirely unprecedented development.⁴⁴ Yet, it only became a central issue for women's mass mobilization when radical feminists mobilized around the topic of rape as part of the larger women's liberation movement and what we now identify as second-wave feminism. The scope of the activities and organizing efforts within the women's liberation movement and its anti-rape sub-movement were tremendous. Yet since the focus of this chapter is the political role testimonies played in several non-legal forums, it concentrates on activism of the radical wing of the anti-rape movement. Specifically, this chapter examines how radical feminists conceptualized and utilized personal testimonies in settings such as consciousness-raising groups in ways that shaped the broader feminist movement and influenced politics, law, and culture.⁴⁵

⁴⁴ Already in the 19th century, white women who struggled to abolish slavery started to question their exclusion from the public sphere and their lack of legal and political rights, including rights over their bodies (Bevacqua 2000, 19; Hasday 2000). Furthermore, the first direct outcry against sexual assault as systematic abuse of women came from black women who began protesting the lynching and sexual violence that marked the emancipation era (Freedman 2013, chap. 4). In fact, as noted above, the black women who testified before Congress after the 1866 Memphis Riots about being gang-raped by a white mob were probably the first women in the U.S. to publicly break the silence about rape (McGuire 2004).

⁴⁵ Commonly, the literature discusses the movement by pointing to an ideological division between the liberal and the radical wing. While such categorizations run the risk of homogenizing heterogeneous movements, it is helpful for thinking about the specific conditions within which testimonies had flourished as an innovative form of feminist activism. Not only that rape wasn't even on the liberal agenda in the first year of the struggle, the very goals and strategies used by the liberal wing differ greatly from those of the radical feminists. Where the former sought to advance women's equality within conventional and hierarchically ordered institutions by employing strategies such as lobbying and legal reform, the latter worked to challenge the very foundations of the society and appealed to new forms of activism, among which testimonies played a vital role. For further discussion on the distinction between the two wings, see, for example, (Bevacqua 2000, chap. 1; Evans 1998; Orleck 2015, chap. 4; Sigerman 2003).

Even though there were some prominent figures and more distinguished groups, what we come to identify today with radical feminism is a product of the creative, diverse, and sometimes divided work of numerous individuals and groups dedicated to going beyond the liberal approach to effect greater changes in the relationship between the sexes and the structures that shape them.⁴⁶ Frustrated with their marginalization within Civil rights and New Left Student movements, women were ready to address issues that so far have been overlooked. Rejecting traditional hierarchical and centralized structures of the organizing (Brownmiller 1999, 83,90), women adopted practices they learned in Civil Rights and New Left Student movements and started to form small groups of consciousness-raising (hereafter C-R) and regional bases, such as the New York Radical Women (NYRW), Boston's Cell 16, and DC Women's Liberation (DCWL) (Bevacqua 2000, 29; Sigerman 2003, 179). Unlike many liberal feminists, radical feminists were willing to talk about sensitive issues they saw as utterly political and engaged in all sorts of legal and militant actions, including guerrilla theater, such as WITCH, and magazine takeover. It is in this context that women started to talk about rape not only as a personal experience that many of them shared but also as a political

⁴⁶ For a discussion of the main differences between the variety of radical feminist groups, see (Echols 2019, chap. 4). Here, Echols shows some of the main disagreements on issues such as, what is the source of women's oppression (sex roles, maleness, psychological aspects, power dynamics, or others), essentialist vs. constructivists accounts of gender, the role of marriage and family (and whether women should separate from men altogether), sexuality (could women enjoy it? Under what conditions?), organizing issues such as lottery for roles, rules vs. relatively structureless organizing, the role of C-R, what is the end goal: total social transformation or self-transformation? Relationship to issues of class and race and Marxism in particular, among many others.

issue that feminists must struggle against.⁴⁷ Importantly, while they did not necessarily abandon the legal sphere as an avenue for struggle, for the most part, they were very critical of the law and the state's complicity in preserving women's oppression.⁴⁸

The group that is credited with bringing the topic of rape to the forefront of the radical feminist agenda is the New York Radical Feminists (NYRF), and mainly two events that it organized: the first speak-out on rape in 1971 at Clement's Church in New York City, and the first conference on rape the same year (Bevacqua 2000, 32; Serisier 2018, 3). These events, as well as C-R meetings on rape that it organized (on which I elaborate shortly), put at the center of their activism women's testimonies because, as Redstocking feminists⁴⁹ before them, NYRF feminists saw personal stories as essential tools for combating sexual violence. A movement participant and chronicler, Susan Brownmiller (1999, 343), recalls how thanks to women's testimonies, "So many varieties and aspects of rape had been revealed at St. Clement's. Sexual assault was a

⁴⁷ This new approach to issues concerning women's experience is famously articulated by Carol Hanisch (1972) in her "The Person Is Political" essay. The work of Kate Millet (2000) was also critical in articulating and advancing this new perspective with the definition of sex in relation to power, politics, and domination. Concerning rape, in particular, Brownmiller's controversial yet very influential book "Against our will" (1993), first published in 1975, is seen as a pioneering book that defines rape as a crime of all men against all women.

⁴⁸ For instance, in *Rape: The First Sourcebook for Women* (Wilson and Connell 1974, 125), the New York Radical Feminists wrote: "It must be clear that rape is not a law-and-order issue. Women are not demanding castration nor are women demanding capital punishment—our demand is to abolish those laws and legal procedures which support male supremacy." Even a contemporary critic of the carceral approach to sexual violence, Aya Gruber (2021, 33–43), suggests that the radical feminists that were engaged in anti-rape activism, such as the San Francisco Taking Back The Night group, did not hold a criminal or carceral approach to end rape and sexual violence.

⁴⁹ Radical feminist group founded in 1969 by Ellen Wills and Shulamite Firestone. Among its main achievements, this group, "popularized consciousness-raising, invented the speak-out, and radicalized thousands of women by distributing movement literature—at first free of charge. Redstockings' insistence that all men oppress women and its nonjudgmental stance toward non-Movement women were valuable correctives to the prevailing left analysis which attributed women's oppression to the "system" or women's "false consciousness" (Echols 2019, 153)

crime of power that crossed all lines of age, race, and class; women feared they would be killed; resistance was impossible; the police were dismissive. All of us were reeling from the new knowledge.”

The impact of the anti-rape movement was immense. The movement has brought about critical legal, political, and cultural changes and transformed how we think about sexual violence and how we address it. As we saw in the previous chapter, following feminist activism, new laws on both state and federal levels were legislated to improve the legal response to rape and sexual violence. There were also many extra-legal developments, including creating new support structures such as the opening of rape crisis centers, distribution of rape medical kits to hospitals, and new educational programs for elementary schools through university as well as in-service training for police and prosecutors’ offices (Caringella 2009, chap. 2). In addition to these legal and institutional changes, there were also cultural changes around the topic of sexual violence that were reflected in the appearance of new and more nuanced modes of representation of victims/survivors in the media and popular culture (Bevacqua 2000, chap. 3).⁵⁰

However, as important as it is to recognize the dramatic influence of the anti-rape movement, one should not overlook its limitations. Even within a movement that was supposed to struggle against oppression, discrimination, and marginalization, not all

⁵⁰ However, these achievements of the movement also led to the backlash and counter-movements from conservative and religious right wing groups that saw the movement as engaged in “excessive vilification of men” and “criminalization of uncomfortable sex” (Caringella 2009, 10–11; Faludi 2006).

voices had equal power and influence. For instance, according to bell hooks (1986), radical feminists' insistence on women's "common oppression" led to prioritizing issues associated with white middle- and upper- women without considering how inapplicable these are to black working-class women. Relatedly, critics take issue with the radical feminists' focus on gender as a main (and often the only) category through which rape, sexual violence, and power relations between the sexes were analyzed. Kessel (2022) identifies the success of Brownmiller's book "Against Our Will" (1993 [1975]) as a profoundly significant source for the triumph of this line of feminist analysis during the second wave of feminism. As a result, it marginalized other insights offered by radical black feminists and feminists of color who identified in The Combahee River Collective Statement (Taylor 2017, 23–36) interlocking oppressions of race, class, gender, and heteronormativity as the source of the problem and called for coalition building across these lines. Furthermore, black feminists and women of color questioned the appeal to the state for more protection through increased criminalization and incarceration because it only bolstered the "tough on crime" ideology that impacted black men and men of color at disproportioned rates (Bumiller 1987, 2013; A. Davis 1975; A. Y. Davis 1983).⁵¹

⁵¹ In addition to these issues, there were critiques towards the victory of the therapeutic model over the political and the loss of the movement's radical edge with its coaptation by state institutions. According to these critics, what started as a radical grassroots movement that focused on the political dimensions of what once was perceived as private matters, soon adapted to the neoliberal model with private agencies managing trauma and crises instead of challenging the conditions that produced them (Matthews 1994, chap. Introduction). The success of eliminating rape as a crime was also limited. Despite many important achievements, sexual violence is still one of the most pervasive yet underreported crimes and still disproportionally impacts women. Contemporary data shows that one in

Despite these important critiques and limitations, which I will discuss in more detail in the concluding chapter, the study of this movement allows us to draw important insights regarding the political capacities of testimonies. As the feminist political theorist Michaela Ferguson (Ferguson 2022, 293) rightfully identifies, during second-wave feminism, we witnessed a revolutionary usage of C-R whose goal was “theory-building that involves continually testing, revising, confirming, disconfirming, restating, and reimagining our understanding of our world.” I would add that we witnessed a revolutionary usage of testimonies that were essential for challenging ‘rape culture’ and building solidarity and political mobilization. Recovering these usages could be insightful not only from a theoretical perspective but also for those involved in preventing and addressing sexual violence today.

III. Putting civic testimony in context: consciousness-raising and public speak-outs

As many scholars have observed, sharing personal stories and testimonies was essential to the women’s liberation movement. It was seen by many activists as the very fuel that sparked women’s multifaceted activism concerning rape.⁵² Some scholars, such as Serisier (2007, 2018), go as far as to argue that constituting survivors, theorists, and

five women has experienced a completed or attempted rape (S. G. Smith et al. 2018), and 81% of women experienced some form of sexual harassment and/or assault in their lifetime (Kearl 2018). Also, according to the National Crime Victimization Survey from 2018, sexual assault remains the most underreported crime, with only 25% of incidents reported to the police (Benner 2019). There are no significant changes in the criminal victimization reports from 2019 and 2020 (Morgan 2020).

⁵² See, for example, (Brownmiller 1993, 1999; Bruley 2013; Dubriwny 2005; hooks 2000; Orleck 2015, 121–22).

activists as (her)storytellers and makers was the very goal of the anti-rape movement. Though it is debatable whether telling personal stories was an end in itself, there is no doubt that it has been vital to mobilizing women around rape and instigating a mass movement. As Brownmiller (1999, 22) states in her reflection on the beginning of the anti-rape movement, “New York Radical Women in the fall of 1968 was filled with such stories. Women were reinventing themselves; a movement was being born.”

Sharing personal stories took place in different forums and through multiple mediums and genres. One of the first and most central settings where this activity occurred was the C-R groups that started to form as part of the radical wing of the feminist movement in the U.S. during the late 1960s and soon became prominent in both radical and liberal feminist spaces across the U.S. and in other places like the U.K. and Canada that had their own women’s liberation movements. Influenced by left movements,⁵³ Kathie Sarachild⁵⁴ coined the term C-R to describe a process in which “women coming together in small groups to share experiences through personal *testimony*, to relate to each other and generalize experiences—and then discuss forms of resisting oppression” (in Serisier 2007, 86; italics added). According to her, C-R is

⁵³ In particular, radical feminists were influenced by William Hinton's book on the Chinese Communist Revolution 1948 and his chapter on the Women's Association formed in a Chinese village, “in which “by ‘speaking pains to recall pains,’ the women found that they had as many if not more grievances than the men and that once given a chance to speak in public they were as good at it as their fathers and husbands.” Indeed, Hilton's phrase “speaking pains to recall pain” became a motto for early radical feminists (Ferguson 2022, 288-289).

⁵⁴ She was first a member of the New York Radical Women group, but due to internal disagreements, she led a new feminist group called the Redstockings that played a vital role in the struggle for Abortion Reform. Sarachild was also one of the feminists who strongly believed in the necessity and the political productiveness of C-R. She articulated her position in different writings, such as *A program for Feminist Consciousness-Raising*, which she presented at the first National Women’s Liberation Conference.

essential for getting to the root of women's oppression and learning how women could best combat it. Instead of appealing to traditional sciences and experts that exclude women, in C-R meetings, women appealed to their own expertise. Women used C-R to learn about their lives from other women's experiences, give names to previously dismissed problems, and think about strategies and political activities needed to achieve the newly defined goals (Sarachild 1978). So, for Sarachild, like many other radical feminists, C-R was a political activity that entailed both a method of arriving at truth and a means for political action and organizing (Dubriwny 2005, 404).

As C-R groups started to spread, they did not necessarily emphasize the same goals or were organized around the same rules.⁵⁵ Yet, we can point to some general principles of C-R based on commentaries by those who created, attended, or observed some of these groups during the early 1970s. Typically, the structure of the C-R groups consisted of 10-15 members, without official leaders or hierarchical organization (although sometimes, there were outspoken figures who took the lead). In some cases, the members were friends before joining the C-R, but often women came to these groups through their participation in other activities, a phone call invitation from women who organized C-R in the neighborhood, or came to know about them through word-of-mouth. Usually, the members met once or twice a week in one of the member's apartments, sat in a circle, and discussed topics that ran from childhood and

⁵⁵ In her recent piece, Ferguson (2022) calls our attention to the fact that C-R is a contested concept with multiple meanings and usages. Among these, she identifies four usages of the C-R as they originate in the second wave of feminism: a shift in perception, constituting feminist class consciousness, giving therapeutic validation, and the revolutionary C-R.

adolescence, motherhood, and work to sex and violence. Observing/participating in the C-R group in the U.K., Bruley (2013, 727) describes how the meetings went: “In the first part of each meeting each woman was to give testimony that was personal to her and not of a general nature. She would speak uninterruptedly and unquestioned. Afterwards, women would ask questions and do a synthesis of what they felt as a group about that particular topic.”

Bruley’s description is quite typical and follows similar stages to those described by Pamela Allen, a co-founder of the New York Radical Women group, who later moved to San Francisco to participate in a feminist group named Sudsfloppen. Reflecting on her experience in San Francisco, Allen describes four stages of C-R meetings: opening up, sharing, analyzing, and abstracting. The first two steps were meant to build a feeling of intimacy and teach each other through sharing experiences. To do so, the group provided confidentiality and offered a positive and non-judgmental space for listening/sharing. The following two steps sought to bring in conversation books and other materials to help make sense of women’s personal stories, understand the social conditions of women, and synthesize the analyses from a certain distance to develop an ideology (Crow 2000, 277–81).⁵⁶

There are two things that I want to emphasize at this point. First, any analysis produced in the context of C-R started from and was based on women’s testimonies. The value of feminist theory, or what Allen calls ideology, stems from the fact that "it

⁵⁶ Note that the C-R didn’t end with completing the four stages because it was a cyclical process in which every new topic invoked a new sharing, analysis, and theory building.

is based on a female understanding of the reality of women's conditions” (Allen in Crow 2000, 280). Secondly, while personal stories were essential in the process of C-R, bearing testimony was not an end in and of itself, nor was the personal catharsis of the speakers the goal of the meeting. While therapeutic relief may be important for women to act freely, according to Allen, the point of sharing was utterly political (281). As the stages of analysis and synthesis suggest, the goal was to direct the activity of C-R towards discovering and utilizing the political dimensions of women’s stories and avoid the slippage of C-R groups into therapeutic meetings or purely social gatherings.⁵⁷ NYRF make this point clearly in *The First Sourcebook on Rape*, where they write, “Consciousness-raising is a process through which women come to *own consciousness about themselves and society* [...] We work from the concrete experience of our personal lives *in order to see a pattern*—the pattern of the oppression of women. *It is not a group therapy* [...] we say our *personal problems are political* and should have *political solutions* [...] (Wilson and Connell 1974, 4–5; italics added).

The last quote highlights that what was at stake is not building theory for the sake of theory but to struggle against internalized prejudice and transform the conditions that produce and maintain women’s common oppression.⁵⁸ In other words, sharing

⁵⁷ Yet, C-R groups have not always succeeded in avoiding it. For example, after participating in one of the unaffiliated groups in NYC, Carol Williams Payne wrote in her critical essay, "I felt nothing could be accomplished by becoming more and more intimate with a small group of women and that if women's group are not political then they are nothing more than amateur therapy or social clubs" (Koedt, Levine, and Rapone 1973, 284). Indeed, one of the main critiques of the movement is the focus on the therapeutic aspects of C-R instead of the political dimensions.

⁵⁸ Of course, this does not mean that feminists agreed on the sources of women’s oppression or the solution. They also disagreed on the degree of women’s internalization of patriarchal norms and how

testimonies had been critical for women to confront the misogynistic norms and expectations that they internalized under the patriarchal systems of power. As Juliet Mitchell states, C-R was “the process of transforming the hidden, individual fears of women into a shared awareness of the meaning of them as social problems, the release of anger, anxiety, the struggle of proclaiming the painful and transforming it into the political” (in Wilson and Connell 1974, 6). And in many ways, this was the most successful aspect of the movement and the most effective use of C-R. Even those who have been more critical of the movement see this dimension as a great achievement. For instance, exposing the absence of race in white feminists’ analyses, bell hooks (2000, 12) nevertheless agrees that “the most powerful intervention made by CR groups was the demand that all females confront their internalized sexism, their allegiance to patriarchal thinking and action, and their commitment to feminist conversion.”

Additionally, women sought to use their analytical insights to define what forms of action were needed to solve the problems they identified. This is when feminist work moved from the small spaces and reached broader audiences, wherein “personal narratives such as those used in the consciousness-raising sessions provided a way in which lived experiences are “translated” for both a wider audience and of the teller of the story” (Dubriwny 2005, 401). Building on new understandings that women gained

best to combat them. This is evident, for example, in how differently radical feminist groups approached the issue of marriage and the cooperation with the “male oppressors.” For instance, Redstocking did not exclude married women nor preached celibacy. By contrast, Cell 16 advocated for celibacy and separatism as the only means of women’s true liberation from male’s domination, and The Feminists even prohibited married women from participating in their group (Echols 2019, chap. 4).

through their work in the C-R groups, they raised awareness of the general population and brought more women into the movement through speak-outs and other activities such as conferences, political writings, and marches.

If C-R groups were small and intimate spaces closed before men and the public, speak-outs intended to bring the personal experiences of women into the general public sphere and interpolate broader audiences in the makings of the personal into the political. The first speak-out was organized in 1969 by Redstocking, and it revolved around the issue of abortion. Following the success of this speak-out and the national campaign that followed it, NYRF held the first speak-out event on the topic of rape in 1971. During this speak-out, forty women gave their testimonies about rape and other forms of sexual violation in front of an audience of approximately three hundred women of the community. This event aimed at countering three types of myths concerning rape: that women cannot be raped against their will, what women really want is to be raped, and women tend to make false accusations (Wilson and Connell 1974, 27). The speak-out was followed by the first conference on rape, which also used personal testimonies to ground research and theory in lived experiences.

Comparing C-R to speak-outs, NYRF notes that while in C-R groups, “communicating between women can become a radicalizing process,” the latter “is an open act of rebellion” (Wilson and Connell 1974, 27). This is because speak-outs did the inconceivable: they put women’s bodies on the public agenda without translators and mediators. Brownmiller (1993, 369) puts this idea forcefully when she says, “In

making rape a speakable crime, not a matter of shame, the women's movement had already fired the first retaliatory shots in a war as ancient as civilization." She recalls a woman nervously asking, "You're actually having women give testimony about their own rapes and what happened to them afterward?" Yet very soon, Brownmiller observed how "the world out there stopped laughing, and the movement has progressed beyond the organizational forms of speak-outs and conferences, our internal consciousness-raising, to community outreach programs that were imaginative, original, and unprecedented" (397). Hence, what started in small groups, moved into the public sphere, and mobilized more women to engage in the reshaping of law, politics, and cultural norms.

Without idealizing the movement's success or romanticizing the solidarity among the women who fought for change, I agree with those who see this movement as utterly transformative. In particular, I see the use of women's speech during this period as extremely creative and politically inspiring. Both C-R groups and speak-outs were unique and successful modes of feminist action during this time, and scholars have long shed light on the political implications of these practices. However, what is missing in these analyses is a better understanding of the functions of women's testimonies that were the very core of both practices. Recall that C-R and speak-outs produced all kinds of speech—from political analysis, anecdotes, nonverbal gestures, journalistic commentary, ethical commitments, and many others. Women draw their understanding of rape from their own experiences and their friends and family's stories, movies,

novels, professional journal articles, women's journals, and other mediums. Yet, among all of these, victims/survivors' lived experiences were key, and accordingly, testimonies by victims/survivors of rape and other forms of sexual violence were especially productive for combating women's oppression.

IV. Analysis: civic testimony as a radical political action against rape culture

In their work against the prevalent rape culture, the new feminist spaces that emerged during the 1970s exemplify the constitution of what scholars call counterpublics. These have a dual role of withdrawal and regrouping on the one hand and serving as bases of training for agitation directed toward the wider public on the other hand (Fraser 1990; Renninger 2014). Given the vital role testimonies played in the process of rewriting dominant frameworks of rape, studying this practice is key for understanding its role in establishing oppositional counterpublics.

Furthermore, tracing how testimonies produced these spaces fills an important gap in the counterpublics literature. While making a clear case of *why* these counterpublics are important from the standpoint of marginalized groups, it is less clear *how* these spaces could and are formed in practice. For instance, according to Asen (2000, 425), a counterpublic emerges as a kind of public within a public sphere conceived as a multiplicity with an emancipatory affirmative practice of reconfiguring power relations. But how this emergence takes place or what practices are needed to constitute a vibrant counterpublic is not fully theorized. The analysis presented below sheds light on this question by exploring the work testimonies did to constitute oppositional forces

in the context of the anti-rape struggle. Given the historical role of NYRF in advancing rape on the feminist agenda, I focus the next analysis on materials from this group's activism, even though many of the insights here are also relevant to other groups.

Importantly, testimony is not merely a discursive practice but one that also involves epistemic and emotive aspects, and as such, it builds counterpublics that cannot be limited to the discursive register. Here lies the second theoretical contribution of this chapter. Counterpublics literature tends to conceive counterpublics in primarily discursive terms. For example, Warner (2002, 50) claims that any sort of public (dominant or counterpublic) “comes into being only in relation to texts and their circulation.” He continues to characterize a public as a form of discourse that is organized by nothing else than a discursive itself (62). In recent years, affect theorists (such as Ahmed 2004; Nouvet 2003; Papacharissi 2015, 2016; Schultermandl et al. 2022; Woodward 2013) have pointed out how these and other discursive aspects relate to emotive dimensions, and some argued that affects could also generate counterpublics formation and “the emergence of counterpublic subversive narrative can affirm alternative registers, structures, and practices of community building” (Schultermandl et al. 2022, 21–23). The analysis that follows builds on affect theory to show how the interconnected epistemic, discursive, and affective dimensions of testimony produced epistemic, discursive, and affective counterpublics.

Rape culture and rape scripts

“Our sexuality isn’t as strong we tell ourselves; we should compromise ourselves and help this poor man in his drives and we’re being masochistic; we’ve been taught to be raped, in a very broad sense of the word” (Helen, C-R meeting during the first conference on rape, in Wilson and Connell 1974, 16).

Rape and other forms of sexual violence target the victims’ bodies, shatter their psyche, and have long-lasting consequences for the victims/survivors and their families and loved ones.⁵⁹ Yet, it is not only a problem of individual victims surviving the trauma caused by the violation of their bodies. Rather, and as the testimonies of second-wave feminists show, rape and other forms of sexual violence are rooted and implicated in histories of sexism, misogyny, racism, and other structural, material, and symbolic conditions. Among others, rape is produced and sustained by dominant epistemic and discursive frameworks that allow to treat some bodies as objects and excuse and justify sexual violence.

The concept of rape culture, broadly defined as the sum of “social attitudes, policies and laws that normalize and trivialize sexual violence or blame women for their own sexual victimization,” (Loney-Howes 2019, 23), is itself a product of second-wave feminism. Its emergence during the 1970s “reflected an important shift in radical feminist analysis about rape itself, which had moved from conceiving rape as an

⁵⁹ The analyses that follow focus mostly on rape since that was the center of anti-rape activism during this period. Yet, as women discussed rape, they also thought about the differences between rape and other forms of sexual violence. For instance, the definition of sexual harassment is a product of interrogation by feminists such as Catherine MacKinnon during the 1970s. Also, despite the legal and other important distinctions between different forms of sexual violence, the arguments developed here largely speak to all of them.

individual behavioral problem to recognizing it as an exercise of domination within the broader structure of male domination of women” (Kessel 2022). Contemporary feminist theorists call for an intersectional approach. For example, Alisa Kessel suggests going beyond male domination to include white supremacy, heteronormativity, xenophobia, and colonialism, which rape culture sustains (132). Yet, we couldn’t get to this more nuanced understanding without the radical feminists’ insight that rape is also a political act that implicates multiple domains, social structures, political institutions, and cultural products. In a world where rape was seen as a private issue and a source of personal shame, to say that it is a product of specific culture incarnating specific power relations is not a small contribution, even if the focus on male domination was limited.

Among other contributions, the concept of ‘rape culture’ points our attention to the epistemic frameworks and discursive categories that limit what forms of sexual violence could be recognized and which would constitute “serious cases of rape,” whose bodies we count as worthy of protection, as well as what claims concerning the harms of sexual violence could be said/heard (Alcoff 2018, 16–17). This analysis doesn’t suggest that rape is only a discursive phenomenon; instead, it has discursive dimensions since rape is enabled and justified by specific understandings concerning questions such as what rape is and who can be accountable for rape. At the same time, and precisely because of the role these frameworks play in producing this phenomenon, this concept opens the possibility of thinking about how rape and sexual violence could

also be challenged by appealing to discursive means and specifically through testimonial resistance. As we shall see, this work was much of the anti-rape movement's focus as women uncovered myths that enabled rape and challenged them by producing a new language of rape.

During a C-R meeting on rape organized by NYRF as part of the first conference on rape,⁶⁰ women shared their personal testimonies, memories of their female friends, as well as reflections on what they heard over the years about rape in their homes, movies, therapy sessions, and other settings. They asked each other critical questions such as how you know what you prefer sexually, how to assert yourself sexually if you were taught that you don't have a choice, and how we know what consensual sex is and what is an act of violence. Learning from each other, women created an account of what they had been taught about sex and violence, reflected on how they internalized these lessons, and started to make new meanings.

For instance, Gladys reflected on gender expectations that she took as uncontested truth; "women have been taught to be attractive since they're young children, and they're involved in a whole seductive thing and are told men can't restrain their sexual impulses. When I was a teenager, I believed [...] that men simply couldn't stop themselves and you couldn't just neck or whatever because it was painful [for the man]" (in Wilson and Connell 1974, 10). Another common belief that women recalled is how a struggle is inherent to any sexual activity. Helen, a survivor who shared her testimony,

⁶⁰ In what follows, I use the transcripts from this meeting published in (Wilson and Connell 1974, 9–25).

said, “overpowering the female is acceptable; you’ll find people saying, ‘oh, well, all females protest.’ The experienced male has learned to ignore her minor protestations” (14). Gladys added that psychiatry literature teaches us how a struggle is a component of sex, which led Leslie to recall how at least fifteen men in her senior year in college “were really into that. The more you protested, the more determined they were to make love with you” (16).

As women continued to testify on how some of the common beliefs regarding sex and violence played out in their lives, many have pointed to the ways in which “women have been taught to turn their response inward” (14). That is, women have learned to take responsibility for unwanted sex, feel ashamed of that, and blame themselves. According to Gladys, “Women are so ashamed and paranoid about their own sexuality that if they are brutalized sexually, they somehow assume responsibility; a woman feels responsibility and guilty if she’s assaulted sexually and feels guilty about the event” (12). Helen summarizes this point very powerfully when she says, “our sexuality isn’t as strong we tell ourselves; we should compromise ourselves and help this poor man in his drives, and we’re being masochistic; *we’ve been taught to be raped*, in a very broad sense of the word” (16, italics added).

Helen’s remark about being “taught to be raped” captures how in addition to violence in its psychological sense, rape also involves issues of perception and language. In other words, Helen illustrates the power of “rape scripts,” which is one of the prime discursive products of rape culture. Literary scholar Sharon Marcus (1992) suggests

seeing rape as a linguistic fact which means that we need to ask how the violence of rape is enabled by narratives that derive their force from cultural scripts that structure our lives. She claims that “rapists do not prevail simply because as men they are really, biologically, and unavoidably stronger than women. A rapist follows a social script and enacts conventional, gendered structures of feeling and action which seek to draw the rape target into a dialogue which is skewed against her” (390). If so, what precedes and enables the specific acts of rape are the conventional frameworks regarding femininity, masculinity, and other inequalities articulated by the dominant groups, internalized by the women themselves, and inscribed in language.

Hence, the quotes from the C-R meeting above illustrate a broader phenomenon of women grappling with rape scripts that were produced by rape culture during the 1970s. As women’s testimonies from this and other C-R meetings show, the scripts included different rape myths such as, ‘when women say no, they actually mean yes,’ ‘rape is a crime of sex,’ ‘a husband cannot rape his wife,’ ‘rape exists only in the ghetto,’ ‘women want to be raped,’ ‘women of color are more sexually promiscuous,’ ‘only a chaste woman can be raped,’ ‘most rapists are black and poor,’ and many other myths underpinned by misogynistic, racist, white supremacist, and other oppressive ideologies. In the process of uncovering these myths, women understood them as discursive devices that enabled the prevalence of rape because they reinforced men’s sense of entitlement to women’s bodies and were internalized by women themselves.

Challenging rape scripts: creating alternative epistemic and discursive counterpublics

To undo the harmful impact of rape scripts, women needed to challenge and rewrite them on the individual level (when victims/survivors identified their experiences as wrong and named the conditions that caused them) as well as on the collective level (when women wrote and disseminated alternative scripts). In other words, women needed to generate a gendered-specific consciousness *and* challenge “existing structures of authority through political activity and theoretical critique” (Felski 1989, 168). Testimonies by victims/survivors play a key role in doing so because testimonies allow the speakers to achieve self-understanding and give access to forms of knowledge that go beyond the dominant point of view. These steps are crucial for understanding the depth of the phenomenon and its political significance, which, in turn, could be utilized for theory-building and political mobilization. Moreover, testimonies quite literally write new narratives and produce new language to define rape, its causes, harms, and ways to address it. By doing so, they provide alternative discursive and epistemic frameworks to be used by survivors, other women, and society more broadly when addressing sexual violence, thus creating a cultural change in the way we treat and deal with this form of violence.

Arriving at self-understanding:

Let me start unpacking the arguments above. The first part of my argument states that giving testimony challenges rape scripts by helping the speaker understand what

happened to her and make sense of her own trauma. This stage of self-understanding is critical for struggling against internalized scripts of rape and giving (new) words to feelings, memories, and events that were blocked by trauma or mediated through the dominant frameworks of rape. While this process involves therapeutic elements and might even lead to psychological catharsis as a result of sharing one's trauma with others, it is also political in the sense of exposing and naming sexual violence as a political problem, in contrast to being only a personal issue, and pointing to the internalization of harmful beliefs concerning sex and violence within the subjects themselves. In other words, this is when an epistemic counterpublic has been constituted.

But *how* does testimony help the victims/survivors to arrive at self-understanding? I want to offer two different answers. First, the psychoanalytical approach argues that speaking about trauma and sharing it with empathetic listeners helps the speaker create, sometimes for the first time, an account of the traumatic experience. The origin of this approach could be found in the work of Freud, whose goal was to materialize the content of the unconsciousness testimony into the conscious realm (through dreams, for example.) Freud (1917) argued that one needs to make trauma known through speech to avoid pathological melancholia and go through a normal mourning process. Building on Freud's approach and working with Holocaust survivors, the psychoanalyst Dori Laub (1991) clarifies that it is not enough to speak about trauma without anyone listening since this could only intensify the traumatic experience and

lead to feelings of isolation and alienation. Instead, the listener is an essential factor in the process of understanding the traumatic event; “the emergence of the narrative which is being listened to—and heard—is, therefore, the process and the place wherein the cognizance, the ‘knowing’ of the event is given birth to. The listener, therefore, is a party to the creation of knowledge *de novo*” (57). Laub, like Freud, presupposes a professional listener (the therapist) who will guide the speakers, ask important questions, point to gaps, help them construct the story of their trauma, and validate it. However, we can apply this logic to C-R meetings in which victims/survivors shared their stories with other women who were empathetic and not judgmental and helped each other validate their experiences of sexual violence.

I want to offer a second perspective that focuses on the environment and the comparative aspect of speech. Here, I draw on the work of Timur Kuran (1991) and Elizabeth Noelle Neumann (1993) as examples of studies that show the reluctance of people to speak up about controversial topics. Briefly, Noelle Neumann’s renowned work on the “spiral of silence” sheds light on why people tend to remain silent when they perceive their opinions as unpopular or as standing in contrast to the dominant public opinion. According to her, individuals assess their environment and choose to speak up if they perceive their opinion to align with public opinion. Otherwise, the fear of isolation leads individuals to refrain from speaking up. Not surprisingly, in her empirical study, she found that younger upper-class men are usually more inclined to speak up than, for example, women. Focusing on political preferences instead of public

opinion, Kuran also finds that often people do not speak up about their political views. Due to various perceived and concert risks, people choose not to voice their “real” political preferences if these stand in opposition to the existing regime. Yet, in both models, there is a possibility for change, for example, through a change in media coverage that influences the acceptance of different opinions (Noelle-Neumann 1993) or when a multitude of individuals decide to participate in a social movement for change (Kuran 1991).

Of course, the reluctance of women to share their painful experiences is not a case of minority opinion or unpopular political preference. Nevertheless, Kurn’s and Noelle Neumann’s insights are helpful for illuminating the role of speech in understanding a particular situation (or assessing an environment) and mobilizing to make a change when it comes to sensitive topics. Before C-R and other settings of anti-rape activism, for the most part, women didn’t talk about their experiences of rape in social settings, especially not publicly. They saw it as their own private issue and didn’t name the problem as a political one nor demand a political solution. As discussed earlier, the environment in which they operated promoted prejudice against victims of sexual violence. A quick assessment, conscious or not, of the dominant understandings of rape would lead to a dissonance between one’s experience and the way it is conceived by others. This, in turn, would make it harder to fully comprehend what one experienced and even more so to freely talk about it. However, when women started to talk in feminist spaces in which they built trust, intimacy, and empathy with one another (and

by doing so, they reduced the risks of speaking freely), they realized that they were not alone and that many other women suffer from similar experiences. As the radical feminist Vivian Gornick argues, “testifying in a friendly and supportive atmosphere enables people to see their experiences are often duplicated” (in Crow 2000, 288). This way, participating in feminist spaces not only reduces the fear of isolation as well as other risks but also provides the needed support to speak up by way of validation.

This is also where the comparative aspect of testimony comes into play—what has been perceived as an isolated private story becomes part of a collective story. Coming to an intimate space (someone’s apartment) with a few other women who are predisposed to listen empathetically (not only because this is one of the rules of C-R, but also because women who joined these groups were identified with at least some of the women’s liberation agenda), allowed women to freely share their thoughts and experiences, sometimes for the very first time. Furthermore, listening to each other’s stories allowed women to draw connections between their stories of suffering and see them in a new light: no longer stories of private shame and personal misfortune but part of a larger problem of women’s oppression.

This is evident, for instance, in Helen’s remarks when she asked others in the C-R meeting on rape how many rape attempts they experienced that they even didn’t know to be rape attempts. She says, “I’m thinking of this in connection to my own life. I only realized working on the rape conference that someone did try to rape me, a drunk whom I was driving home [...] he grabbed me in my own Volkswagen on Hudson Street. I

regarded it as a joke, brainwashed as I was; I had a stiff neck, I had bruises, scratches, but it was a joke, it was funny; it was ludicrous [...]” (in Wilson and Connell 1974, 13)). Working with and listening to other women’s stories allowed Helen and others to understand some experiences in a new way that wasn’t subjected to the dominant myths of the time. Comparing her own experience and other women’s experiences against the backdrop of the dominant discourse allowed her and other participants to expose its incompatibility with their lived experiences.

Though some might have known each other before joining the C-R, many were complete strangers coming to this space to find what they lacked in their private circles. Listening to similar stories from a diverse group of people that come from different backgrounds was impactful because it showed the ubiquity of sexual violence and exposed the commonality of rape myths and how they were internalized by all women despite the variations in content (thus, a single participant can say to herself: this is not my problem because I grew up in X or did Y. This is a political issue involving all women.) As Sara Ahmed (2017, 90) beautifully puts it, “Words can allow us to comprehend what we experienced after the event. We become retrospective witnesses of our becoming.” In the context of the anti-rape work, women became witnesses of each other’s stories.

In other words, sharing testimonies has a therapeutic significance. However, as theories such as Kuran’s and Noelle-Neumann’s suggest, speaking with one another, knowing what people think and feel, and validating each other leads to a collective

understanding of the political reality, and this is critical for the possibility of subverting it. Accordingly, the self-understanding of numerous individual women through the collective speaking/listening activity also has mobilizing importance (we know this problem is no longer in our own heads; now we can do something to change it.)

Granting access to experiential knowledge:

The second part of my argument states that testimony gives access to experiential knowledge. Even more precisely, testimony by victims/survivors of violence is one of the most important epistemic tools we have to know violence, especially in contexts that trivialize it and make it seem “normal” (Bufacchi 2013). As feminist phenomenologists and social epistemologists argue, those who have experienced oppression and violence on their bodies have a better position to understand what is actually going on, challenge the prevalent narratives that support oppression, and imagine alternatives. Although not necessarily, oppression makes one more attentive to the world and others and look more critically at the widely held assumptions and prejudices. The oppressed don’t have the privilege of remaining ignorant because they inhabit a world that constantly reminds them of their disadvantaged position through violence, discrimination, and exclusions. But this is also what gives the oppressed access to what the philosopher José Medina calls “subversive lucidity”—that is, the ability “to see things afresh and redirect our perceptual habits, to find a way out or an alternative to epistemic blind alleys” (2013, 46). Building on the work of Charles Miller, Medina explains, “oppressed groups do have a distinctive set of experiences

and they are better positioned and better equipped for a particular kind of epistemic subversion [...] They have richer (or more heterogeneous) experiential life that they can use to dismantle the accepted description of reality that rules the day.” So, by virtue of experiencing different modes of oppression, oppressed groups know oppression firsthand, can give others access to what it looks like, and offer critical insights about ways to change, challenge, and transform the current conditions.

By the same token, thinking specifically about the epistemic position of victims/survivors of sexual violence, Linda Alcoff argues the victims/survivors of sexual violence know this form of violence better than anyone else because they experienced it firsthand, and listening to them allows an “opening to understanding how the world is organized and affectively attuned” (2018, 160). In C-R meetings and other settings of anti-rape activism, the victims/survivors speak from this unique position of being those who went through the act to which they testify. Therefore, the victims/survivors grant access to deeply embodied and experiential knowledge. Others who are not similarly positioned can, at the very best, approximate what being a survivor entails and what rape is as a multilayer trauma and social and political problem. Take, for example, Pam, who, in her testimony, revealed the experience of rape and the second assault she experienced by the nurses who had harassed her for being “hysterical” after being raped and the policemen who held her for hours in interrogation. To someone’s question how does she know that she was raped, she responded, “I was there, that is how” (in Wilson and Connell 1974, 11). Sharing what

she experienced “there” during the first and second assaults by those supposed to support her allowed others access to new aspects that were completely overlooked beforehand. Today this might seem obvious to some readers, but critiques of medical staff and police responses to rape stem precisely from these women’s testimonies who struggled to understand, expose, and challenge the dominant script of rape.

To be clear, we might learn important insights about sexual violence from reading fiction or social science research reports and from other non-experiential forms of knowledge. Indeed, we must utilize all the tools available to us when responding to sexual violence. Yet testimonies by victims/survivors are essential for getting to the core of the issue, learning about aspects that could be known only through experiential knowledge, and above all, standing on what is at stake in addressing sexual violence: making sense of sexual violence and building complex, nuanced, and ever-changing theories of this phenomenon. Thus, once constituted, these subversive epistemic counterpublics partake in theory-building and educate other women and the general public.

It is important to note here that despite being better positioned to know/talk about this violence, too often, women’s testimonies are dismissed and disbelieved, especially when women speak under the law—a point that women’s testimonies in C-Rs and speak-outs made very clear.⁶¹ However, it seems like testifying in extra-legal and more

⁶¹ See the discussion in the second chapter, where I show how women’s epistemic authority is systematically undermined within courtrooms and other official legal settings due to biases that predispose the average listener to reject women their credibility.

empathetic settings such as C-R groups allowed women to share their experiences with other women more freely and created a more nuanced and comprehensive understanding of sexual violence. Women shared their knowledge of themselves and their past, not limited to specific procedural rules of bearing testimony, without lawyers or mediators and without hostile interrogators. They listened, validated, built on each other's experiences, noticed patterns, and thought together about the meaning of their experiences. They put women's expertise at the center and saw it as a superior form of knowledge through which they could get a better understanding of themselves and the social, political, legal, and cultural conditions that structure their lives. Furthermore, what started in small settings from personal testimonies moved later to the streets and other public settings.

Gradually, women activists transformed the perception of other women and allies on this issue, which in turn also impacted, even if not exhaustively or as they wished, the law and the public. Not only were C-R groups widespread across the country, but testimonies were produced in many other circles that went beyond the small and safe spaces of women/survivors. Reflecting on the impact of C-R groups, the radical feminist Vivian Gornick refers to a few anecdotes from the lives of "ordinary" women from Manhattan, Maryland, and Ohio, "none of them ever heard of consciousness-raising. And yet, each of them exhibits the symptomatic influence of this [...] each of them, without specific awareness, is beginning to feel the effect of the consideration of woman's personal experience in a new light—a political light" (in Crow 2000, 287).

Thus, the collective endeavor made by numerous women who testified in C-R groups, speak-out events, conferences, newspapers, and other settings made the challenging of the dominant script a prominent practice for other women who might not even recognize that they stopped accepting the harmful rape scripts due to the hard work of radical feminists. They just knew that they did not believe the dominant scripts anymore and were done “being nice.”

Inventing new vocabulary and analyses of sexual violence:

Lastly, an alternative discourse was invented and circulated. A new understanding of sexual violence as a political issue started in these relatively small settings of C-R groups and soon gave rise to a new language that today seems to many almost a given. When I teach my undergraduate students about, for example, the definition of rape in American law before the reforms of the 1970s, they cannot comprehend how marital rape wasn't recognized as a crime and that it was as late as 1993 that all states in the U.S. came to recognize marital rape as an illegal act. To them, women's right over their bodies is almost a given fact. This fact, however, is a product of script rewriting that started through these courageous speech acts of testimonies.⁶²

Through women's testimonies and reflections on what they revealed in C-R meetings, such as the one I refer to throughout this section, women defined a broad

⁶² Clearly, there are many countries around the world where marital rape is still protected by the law (such as Bangladesh, India, Libya, and many others) and where women and girls do not have the same rights as those in the U.S. or other countries where rape law reforms took place during the 1970s. Moreover, nowadays, with the overturn of *Roe V. Wade*, women's rights over their bodies are under constant attack in many of the states that work to undermine women's autonomy and agency.

scope of women's violation when they tried to answer what rape is. They came up with a new vocabulary to capture aspects of sexual violation that were not defined appropriately or at all. Take, for example, the following exchange between a few participants in which they try to think through what makes rape and other sexual misconducts distinct from other forms of violence. When you read it, note the endeavor to find adequate words and definitions to capture a broad range of experiences.

Leslie: I don't think conditions have to be violent; I think that you can be as outraged by...

Diana: ... The threat of violence.

Helen: I would like to make the point here that rape is violence but it's not necessarily physical violence.

Rita: Maybe the term "*violation*" ...

Connie: it can simply be sexual *exploitation* and *aggression*, not necessarily violence.

Helen: I think some people here saying that rape is violence that takes sexual form.

Pam: *Hostility*, perhaps.

Gladys: *Sexual hostility*... therefore one should not be any more ashamed than you would be reporting you were beaten and stabbed. (in Wilson and Connell 1974, 20; italics added)

In addition to thinking about the range of sexual violations and what constitutes rape, women also redefined who is a rapist and what conditions allowed rape. For example, Sue makes distinctions that today are included in the criminal understanding of sexual violence in the U.S., but at the beginning of the anti-rape movement, they were not part of the common or legal discourse. She says, "I believe it's a mistake to talk just about criminal rape, the guy who comes out of nowhere and grabs you. I think you've also got to talk about your supers, your acquaintances, your boyfriends, your husbands" (15). Today, these forms of sexual violence by intimates and acquaintances

are well acknowledged by feminists as well as institutions responsible for addressing sexual violence, such as Title IX offices across the country.

In their testimonies, women also talked about the harms of rape and tried to define those aspects of living with this trauma that are not physical. “What I was the most appalled by was the fact that my will has been overborne. That was all. Physically I wasn’t awfully hurt [...] It’s that we consider that rape is demeaning and diminishing to us” (19). Building on this, Helen asked, “Aren’t we talking about a power relationship here also?” (19). Rita’s response to this question goes right at the heart of rape as a script when she says, “The authoritarian society is our enemy. It’s what oppressed us, and I think it’s the authoritarian society that’s distorted sexuality to this extent, making it an instrument of power [...] There will still be new rapists because rape is the psychology of sex in our whole culture” (21). Here, Rita alludes to the patriarchal roots of the society and brings to the fore the radical feminist insight according to which rape is a product of male domination sustained by the political structures of their society. Hence, what is at stake here is creating new discursive tools and new cultural meanings to struggle against the conditions of oppression.

Challenging rape scripts by circulating emotions and moving to action

“I can now take the energy from these experiences, from the anger and from the guilt, and channel it with other women into a direction where we can start dealing with the problem” (Jane in “The Rape Tape,” transcribed in Wilson and Connell 1974, 55).

In addition to the epistemic and discursive aspects, both rape scripts and the work of challenging them involve affects, emotions, and sensations. Commonly, the

literature on testimony reduces this practice to either of these components. Similarly, counterpublics literature tends to limit its understanding of oppositional publics to discursive terms. But seeing testimonies as merely a discursive practice that grants the speaker epistemic authority and constitutes discursive counterpublics misses the emotive intensity that often derives this speech act and traverses from the speaker to the listener. Even when the emotive dimensions are discussed, like in the literature of psychoanalysis, it is often seen as a one-sided process focused on the speaker who speaks to come to terms with the trauma. However, it is worth recalling that testimony like other forms of performative speech,⁶³ “comes across as an essentially two-sided process, involving a speaker and an audience” (Caponetto 2021, 193). As such, it is inherently *relational* and depends on an audience and its *reaction* to and *interaction* with the speaker. In that, the interaction is loaded with words but also with emotions, energy, pain, desires, and other non-verbal expressive modes. Thus, instead of a one-sided discursive practice focused on the speaker, there is a constant movement of different emotive “goods” from the speaker to the listeners and back to the speaker. Accordingly, the work that these affective aspects do cannot be reduced to the discursive and epistemic functions discussed above. Therefore, in this section, I want to focus on the affective, sensual, and embodied dimensions of women’s testimonies

⁶³ According to Austin (2009), speech acts are illocutionary or performative in the sense that they do things in the world. For instance, when one says “I do” in a matrimonial ceremony, they bind themselves to another person in a matrimonial contract.

and argue that their political value lies in the way they bond the speakers and the listeners in affective solidarity—a stage that is critical for political mobilization.

Testimonies are aroused by emotions:

To start, building on Sara Ahmed’s (2017) argument regarding the sensuous nature of feminism, I argue that testimonies of sexual violence are sensuous speech acts. According to Ahmed, “Feminism is a sensible reaction to the injustices of the world [...] Feminism often begins with intensity: you are aroused by what you come up against [...] You might not have used that word for it; you might not have the words for it; you might not be able to put your finger on it. Feminism can begin with a body, a body in touch with a world, a body that is not at ease in a world [...]” (61-61). As such, feminism and violence cannot be separated, and the experience of the latter is an essential part of becoming a feminist as this becoming is reactive to embodied violence, injustices, and wrongs that one undergoes. Following the same logic, testimonies of sexual violence are sensuous because they are aroused by a sense of violation of one’s body and a deep sense of being wronged.

Even before women speak, the body generates a range of emotions and sensations. Therefore, in cases where not a word had been voiced, we nevertheless “confront histories and practices that remind us of the testimony offered by bodies. When verbal records are impossible to make, or are destroyed, or remain untranslated or uninscribed, a testimonial record nonetheless exists within the body [...]” (Gilmore 2017, 4). But even when words do come to bear witness, they are aroused by the body’s sensations.

For instance, testimonies by victims/survivors of sexual violence are often driven by the pain inflicted on their bodies and/or inscribed on the psyche. Often, before they have the words to describe to themselves or others what happened, victims/survivors experience a mixture of feelings that signal to them that something is wrong. In some cases, the skin might still be burning with bruises and scars that bear witness to the violence against the body. In others, the body's surface might not give away the trauma, but it still resides in the depths of the mind and comes back in the most unexpected moments. Yet, in others, the victims/survivors might feel uncontrollable anger and desire to get back at those who undermined their will. Every case is unique and might involve all or neither of the aforementioned reactions. Yet, while we cannot assume a unified experience of surviving sexual violence, whatever form they might take, emotions, sensations, and affects are necessarily involved in the process of testifying to this trauma and often serve as instigating force behind the speech act of testifying to rape and other forms of sexual violence.

Testimonies communicate a range of emotions:

Feelings move testimonies as well as move through them. In C-R meetings, public speak-outs, recorded tapes, radio broadcasts, and other settings, women's testimonies are not only provoked by feelings, but they also give words to these feelings, allowing their expression and for women to learn from them as much as they did from any other shared content. In her program for C-R, Sarachild writes, "We assume that our feelings are telling us something from which we can learn [...] that our feelings mean something

worth analyzing [...] that feelings are saying something political" (in Crow 2000, 273). We saw earlier that C-R starts from sharing testimony, and now we can locate sharing feelings as the very core of testimony. Moreover, building on Sarachild, we can see that even this component of testimony is not (solely) for therapeutic purposes but for strategic ones. She writes, "By first feeling and then revealing our emotions we were acting in the best strategical manner [...] our feelings will lead us to our theory, our theory to our action, our feeling about that action to new theory and then to new action" (273-4). Alternatively, feelings lead to testimony (the expression of feelings and the channel through which women share them with another), testimony leads to more feelings, and based on these expressive exchanges, a theory and plan of action are built.

Specifically, women's testimonies communicate a range of emotions—from fear and vulnerability to anger and hope. One of the most prominent feelings that women shared in their testimonies during the first speak-out on rape⁶⁴ was fear—of retaliation, being killed, getting STD, being disbelieved, and/or being alone. Whether due to a direct threat, use of a weapon, or internalized sense of powerlessness, many victims/survivors recall how they had to cooperate with the rapist/s out of fear for their lives. As one of the victims/survivors who testified about an assault by a man she met at a bar recalls, "I didn't fight because I was too scared [...] I thanked him because I was scared and didn't want him to get angry" (in Wilson and Connell 1974, 34).

⁶⁴ You can find transcripts of ten testimonies that were given during the speak out in (Wilson and Connell 1974, 31–44).

But fear doesn't go away when the assault is over; women shared how since the assault, they felt more vulnerable and lacked protection. Jane, one of the four victims/survivors who testified on a tape that was shared with other women through the Women's Center in NYC, said they decided to tape these testimonies because of the fears they experienced after they had been assaulted.⁶⁵ She remembers how in a conversation with another survivor Nellie, "we were saying how we were so scared just to live alone, and we just had tremendous fear of anything happening at night and in the apartment. We discovered that the reason we were both scared was because we both had been raped and that being raped has long-lasting effects on us" (45). Sandra, another survivor who taped her testimony, shared how she was not so much afraid of being alone, as she "became more sensitive to pain [...] I don't know, I had a lot of feelings. I was more aware of my vulnerability and lack of protection" (48).

At the same time, victims/survivors expressed how this feeling of vulnerability was mixed with anger and frustration for their inability to push back and hurt the perpetrator. Sharing her story of being assaulted by her own brother during the speak-out, one of the victims/survivors recalled feeling a mixture of emotions and testified to how she went from feeling numb to being in touch with her anger. "I ran out of the room feeling very strange and nauseous. All my body feelings had been assaulted and activated against my wish and I felt numb all over [...]" (36). After being disbelieved by her older brother and mother, she "felt a little crazy," and it was only later, when she was

⁶⁵ You can find transcripts from the edited version of "The Rape Tape" in (Wilson and Connell 1974, 45-55).

working through her trauma, that “the therapist put me in touch with all my anger. I wanted to kill my brother for violating my senses [...] but I know angrily that more women than I will be my baby brother’s victims” (38).

Anger was also a very central theme in testimonies given as part of a taped C-R meeting on “Men and Violence” that was broadcasted on WBAI-FM.⁶⁶ For example, Sebern talked about her rage of not feeling safe on the streets when men constantly looked at her, whistled, and in general, made her feel like they owned the streets. Reflecting on these issues, she said, “What I find outrageous is the fact their fantasy can be activated into a reality at any time, and you’re the object of it, so that you cannot escape.” Telling about an encounter that she and her friend had with a man in a store, she adds, “All I could feel was contained rage, because if I hit him he would’ve killed me” (in Koedt, Levine, and Rapone 1973, 64).

In all these examples, women were able to get in touch with their feelings because they were free to feel them without manipulating them for the sake of others. Outside of the legal procedure that postulates a “proper” level of emotionality (by expecting victims/survivors not to be indifferent but also not to look “crazy”), they could feel however they wanted. Some victims/survivors came in touch with their anger through therapy. Yet others were able to do that in C-R meetings through the comparison to other women’s experiences. This is again the comparative aspect of speech. Yet this time, it points to the ways in which listening to others allowed making sense not only

⁶⁶ You can find transcripts from this session in (Koedt, Levine, and Rapone 1973, 63–71).

of an event but of the very feelings it caused, however obscured and incomprehensive they were to the survivor before engaging with others. As NYRF observed in their *Rape: The First Sourcebook for Women*, “As women compared their experiences, they began to come to some understandings of the anger they had kept hidden even from themselves” (Wilson and Connell 1974, 3).

The political force of emotions:

But how does sharing this range of emotions matter on a political level? Is there anything political about this process of sharing anger, fear, hope, and other emotions through speaking/listening to one’s testimony at all? I argue that there is. In addition to validating survivors’ recollection of the experience (i.e., supporting their epistemic authority), by circulating and generating emotions among and through the listeners, testimonies impact others, create space for victims/survivors to constitute themselves as political actors, and create affective solidarity. In many of the testimonies I read from the period of the anti-rape movement, women reported how their listeners shared with them their anger, frustration, and desire to struggle against those who harmed them. Victims/ survivors also reported how sharing these feelings was essential for their healing and, no less important, how generative it was for their own political empowerment and mobilizing women’s activism. This is where the therapeutic aspects of testimony come together with the political ones most clearly and illustrate how they are inseparable in the context of anti-rape activism. By circulating emotive intensity, testimonies are bonding strangers in a desire to act and a hope for change—both of

which are essential conditions for protesting, marching, lobbying, participating in seat-ins, or other political activities.

To unpack the argument above, first and foremost, emotive responses by the listeners give comfort to the speakers and allow them to feel less alone. While this aspect might seem merely ethical and/or therapeutic in nature, when given within feminist spaces such as C-R, I argue this comfort also had a political dimension of empowering the victim/survivor to become a political agent *and* generating solidarity among strangers (victims/survivors and their allies) that inspires them to act together. It is true that family and friends play a key role in supporting the victim/survivor in the process of healing. However, when this support comes from women involved in anti-rape activism, many of whom are victims/survivors themselves, it creates a bridge from healing to political action by inspiring victims/survivors to act for a change and bonding women in what Papacharissi (2016) calls “bonds of sentiments.”

Years after the assault, Jane said that after making the tape on rape, she felt very good. Moreover, she stated, “I can now take the energy from these experiences, from the anger and from the guilt, and channel it within other women into a direction where we can start dealing with the problem” (Wilson and Connell 1974, 55). As Jane’s words make it clear, sharing with others not only made her feel better, but it could generate solidarity that is essential for women’s political mobilization against rape. Here, we arrived at the second stage of “anger progression,” identified by the radical feminist Susi Kaplow as one in which women “start to move together to create new social forms

and structure [...] Controlled, directed, but nonetheless passionate, anger moves from personal to the political and becomes a force for shaping our destiny” (in Koedt, Levine, and Rapone 1973, 41).⁶⁷

In other words, sharing personal testimonies via videotapes, radio broadcasts, or C-R meetings allowed women not only to feel catharsis and self-reaffirmation but also to channel the full range of their emotions toward building affective solidarity with other women. Here, I adopt Clare Hemmings’ definition of affective solidarity. It “draws on a broader range of affects—rage, frustration and the desire for connection—as necessary for a sustainable feminist politics of transformation, but that does not root these in identity or other group characteristics. Instead, affective solidarity is proposed as a way of focusing on modes of engagement that start from the affective dissonance that feminist politics necessarily begins from” (2012, 148). So, what connects women to one another are feelings, and the political aspect of this connection is the desire to channel these feelings towards transformation (we feel discomfort, and we want to act to “solve” the dissonance responsible for our uneasiness).

As we saw, women’s testimonies communicated an amalgam of emotions such as rage and frustration, and they also affected others who did not merely listen to the victims/survivors but also felt them and felt together with them. Those who haven’t been in spaces where women shared their experiences can only imagine the intensity

⁶⁷ The first stage of the “progression of anger,” is one in which women who shared their experiences in C-R “help each other through the first, painful phase of outward-directed anger. Through consciousness-raising each woman can (at least ideally) find sufficient confirmation of her perception to be reassured of her own sanity” (Susi Kaplow in Koedt, Levine, and Rapone 1973, 40).

of this moment. It is not a passive or purely cognitive reception of one's speech. The listeners sense the shivering bodies, the emboldened gaze, the rising or, by contrast, fading voice, and other non-discursive modes of survivors' speech. These, in turn, inspire their own emotive reactions—the listeners themselves are moved by survivors' emotions—and connect the listeners and speakers in a desire to transform the world they live in. To use Ahmed's language, in these testimonial moments, emotions align individual victims/survivors with their community; they stick them together and create an affective collective (Ahmed 2004). By doing so, testimonies of sexual violence decrease the gap created by the dissonance of *knowing* you're not alone versus *feeling* that you're not. Sandra (a survivor who shared her testimony via tape) articulates this dissonance very clearly when she says, "They [women] do feel, and we all feel, that women are alone, they are isolated. When it happens to you, you feel like you're the only person it ever happens to. And you know, even though you know that logically speaking it isn't true, you have that feeling that you are totally alone" (in Wilson and Connell 1974, 52).

Talking to other women, sensing their emotive reactions to your words, being together, hugging, or just seeing the empathetic look, all these modes are fundamental parts of a performative speech and are important for politicization against sexual violence as much as making new vocabulary to a range of sexual violations. In fact, these emotive and deeply embodied aspects of speaking/listening are inseparable from the process of producing discursive and epistemic alternatives because they partake in

the creation of the collective body that serves as the basis of any other discursive and non-discursive political action. Thus, if Hemmings (2012, 151) is right and feminist politics starts with an affective dissonance that moves women to action, and I argue she is, then testimonies have a key role in bringing the dissonances of sexual violence to the fore and addressing them by bonding women in intimate yet at the same time political counterpublics.

To conclude this discussion, testimonies to sexual violence are not only discursive devices that partake in the production of counterpublics and give rise to new scripts and alternative knowledge production. Before any of these functions, testimonies are utterly embodied forms of speech aroused by emotions and sensations, communicate emotions, and move affects towards and through others. The work of giving meaning and creating a theory or plan of action is thus inseparable and, in many ways, depends on affective attachments and feelings of belonging to a collective. By sharing and diffusing fear, anger, desire, hope, and other emotions, victims/survivors form a collective body of women who sense each other's anger, injustice, and pain and mobilize these to resist sexual violence and transform the conditions of their lives.

V. Intimate Counterpublics

The analyses above show how testimonies partake in the constitution of epistemic, discursive, and affective counterpublics. They explain and demonstrate the mechanisms through which giving testimony in spaces such as C-R before other women and victims/survivors enabled women to challenge dominant frameworks of

rape, build theory, and mobilize political action. In the final discussion, I want to explicate the kind of politics that these testimonies practice and call upon by clarifying in what sense the counterpublics that are constituted through testimonies to sexual violence are “counter.”

According to Warner (2002, 86), “A counterpublic maintains at some level, conscious or not, an awareness of its subordinate status. The cultural horizon against which it marks itself off is not just a general or wider public but a dominant one. And the conflict extends not just to ideas or policy questions, but to the speech genres and modes of address that constitute the public and to the hierarchy among media.” In this definition, the “counter” has two meanings: the first is in the sense of rejecting dominant ideas (i.e., the content), and the second refers to an alternative way of constituting a public or the “different ways of imagining stranger-sociability and its reflexivity” (i.e., the form) (87-88). I claim that women’s testimonies were *counter* in both senses of providing alternative content *and* prioritizing a different form of creating and circulating this content.

First, testimonies partake in creating new subversive content by producing new understanding and a new vocabulary for rape, its harms, conditions, and the relationship between rape and broader issues of power. As we saw, through testimonies that women shared in C-R groups, speak-outs, conferences, and other feminist settings, women exposed the harmful assumptions about their bodies, sexuality, and role in society more broadly and helped each other undo these “lessons.” They resisted remaining silent and

accepting their role as powerless victims. Instead, they produced an abundance of experiential knowledge to refute the “objective” truths they internalized and pointed to the roots of patriarchy that underpins rape scripts and thus allow rape to remain unchallenged.

Secondly, testimonies were counter speeches in the sense of prioritizing alternative forms of producing and circulating knowledge about rape. In C-R and other settings, women build on and mobilize around survivors’ experiences and bestow them the power of standing against “experts” like the legal “expert witness” or the psychiatrist who all too often represent the dominant point of view concerning rape and sexual violence. As we saw in the previous chapter, women’s testimonies are constantly mediated and translated when they are given within the legal arena. The lawyer speaks for her, the expert witness corroborates her version, and the defense questions her story altogether. She is expected to give her testimony following rigid legal rules and using language eligible to the jury and other legal actors. She should be emotional but not too emotional. She needs to show how devastating this event was but avoid being viewed as “hysterical.” She is asked to provide a flawless account with no gaps or contradictions. In this context, testimony is merely a linear representation of facts. She needs to give raw data to real experts to interpret and pass judgment. In contrast to these and other limitations of the legal scene, when women testified before one another in spaces such as C-R, they spoke as the experts, connected to their feelings as valid

sources of information, and built on this expertise a theory of sexual domination and formed a plan of action.⁶⁸

Yet, it is not only a different form of knowledge production and circulation that makes the form of these counterpublics subversive. In addition to the important oppositional functions mentioned above, I argue that these testimonies constitute a unique type of counterpublic where the personal is interwoven with the political and the intimate with the public. In fact, these testimonies incarnate the impossibility of the dichotomy between the private and the public and call to hold these two together. Accepting these insights means that the public sphere won't be able to "free" itself from responsibility to private concerns or disregard persons and issues that don't fall within the scope of what dominant groups decided to be a public interest. Moreover, it could open the possibility to rethink and reimagine what a public might mean and look like when it is not constituted upon restricting criteria as they relate to gender, race, class, and other categories used to justify the traditional division of spheres.

Notably, feminist theorists had long argued against the division between the private and public spheres and pointed to its gendered underpinnings. In fact, this is one of the key theoretical insights coming out of the radical feminist movement. For instance, according to Young (1990), the division between the two spheres, together with the characteristics assigned to each (such as reason and universality of the public sphere

⁶⁸ Alcoff and Gray (1993) make a similar point when interpreting survivors' performances on TV shows. They write, "without segregated discursive arrangement, victims of sexual violence could speak as experts on sexual violence. For at least one brief moment on television, victims/survivors were the subjects of their own lives." (279)

versus desire and particularly of the private), forced homogeneity upon the civil society and excluded from the public all those who don't fit the model of a rational and disembodied citizen. Hence, she argued, "we need a cultural wave to change cultural habits that produce and reinforce oppression," and C-R groups were one way to do just that (152).

Similarly, Dean (1992) provides insightful critiques of civil society and points to the division between the spheres as a core issue from a feminist standpoint. According to her, to save civil society, we need to revisit its key categories, such as autonomous, self-reflective, moral, and juridical subjects, in such a way that would recognize embodied persons who operate in a plurality of spheres. Furthermore, we must ensure discursive rights and publicity (i.e., allowing communicative freedoms and the ability to question and confront cultural interpretations that devalue some persons) to achieve full democratic participation. In both critiques, there is a call upon feminist discursive opposition to challenge not only specific cultural interpretations or public decisions but the very distinction between the spheres as it serves to exclude, degrade, and harm women and others who are associated with the particular, the body, emotions, and other aspects assigned to the private sphere. This distinction is also what allowed for so many years to ignore (and thus reinforce) the violence women undergo at home and in other domains or discard it as an issue with no public interest. Hence, it was also the target of the anti-rape movement.

Women's testimonies explored in this chapter show us a way out of this dichotomy by practicing counterpublics that are both intimate and political. Revising Lauren Berlant's (2008) work, I argue that testimonies to sexual violence constitute "intimate counterpublics" that are critical to healthy democracies not only because they extend the scope of recognized persons and issues but also because they enable one to imagine new ways of constituting political communities that are affective, intimate, and interpersonal while also critical, oppositional, and agonistic.⁶⁹

Berlant offers the concept of an intimate public to think about spaces that relate and bond strangers who share a worldview and common historical experiences. She explores this idea through women's culture as the first mass-marketed intimate public in the U.S. and argues that "where it [intimate public] is linked to women or other nondominant groups, it flourishes as a porous, affective scene of identification among strangers that promises a certain experience of belonging and provides a complex of consolation, confirmation, discipline, and discussion about how to live as an x" (Berlant 2008, viii). In that, she provides important critiques of the context of consumerism and capitalism as the frameworks within which these publics are produced and the problems with focusing on the conventional understanding of femininity. However, for our purposes, if we focus our interest on C-R groups and other spaces where women shared their most intimate and personal stories of sexual violence with strangers, what stands

⁶⁹ I make here a reference to Mouffe's (2005, 2013) theory of agonistic politics that I introduced in chapter two. Briefly, according to her, modern democracies must retain conflict and disagreements instead of striving to eliminate those, as the latter means also eliminating differences which are the very heart of pluralistic societies.

out is how these intimate spaces brought strangers into an intimate relationship upon which trust, hope, and solidarity were built. So, without diminishing Berlant's critiques or the problems of exclusion, which were very prominent in the context of anti-rape activism, I claim that during the 1970s, testimonies were vital tools in the process of creating intimacy between strangers and eventually establishing solidarity without which no further action could be effective.

Importantly, wherein Berlant argues that the intimate publics are only in "proximity to the political, occasionally crossing over in political alliances, even more occasionally doing some politics" (2008, x), I claim that women's testimonies to sexual violence produce counterpublics that are both intimate and political at the same time. Berlant distinguishes between intimate and counterpublics based on their relationship to the political. According to her, the counterpublic presumes a monolithic group with a clear connection to the political, while most of the commonly known publics are "uninterested" in the political. She continues, "Politics requires active antagonism, which threatens the sense in consensus: this is why, in an intimate public, the political sphere is more often seen as a field of threat, chaos, degradation, or retraumatization than a condition of possibility" (11).

However, as the discussions throughout this chapter showed, women's testimonies to sexual violence were political through and through. They sought to engage with sexual violence as a political problem and expose the political conditions that allow it in order to make legal, social, political, and cultural changes. Notably, Berlant explicitly

states that she is not interested in publics whose goal is transformative politics, wherein the spaces of anti-rape activism were precisely about that. But this doesn't mean that they were not intimate. The antagonism to the dominant "rape culture" was at the core of anti-rape feminism in the most intimate moments, such as one's realization that they fall victim to misogynic rape myths. Hence, the public that women created through their speech and other anti-rape activities is a great example of the intertwined relationship between intimacy and politics and how the distinction between intimate publics and counterpublics is not always possible.

In fact, I want to argue that the relationship between the intimate and the political is one of the defining features of testimonies of sexual violence. Testimonies like those I presented in this chapter imminently operate on both the private and public, the personal and the political registers. The speaker talks about the most intimate and painful experiences and how they impacted her body, psyche, and life. But she does so in front of others, known and unknown, seen and infinite others like us who read their testimonies in this document fifty years later. The speakers put their bodies on the witness stand and make themselves seen, heard, judged, validated, and open to any other response by their audience. The moment of testimony is a moment of sharing, connecting, impacting, instigating, transforming, as well as ignoring or rejecting, but it is never a purely personal experience. Hence, in the moment of testimony, in addition to bearing witness to one's experience, we also witness the collapse of the division between the private and the public.

This feature of testimonies is even more evident in the case of speak-outs, where women's voices reach a larger group of listeners. Take, for example, testimonies shared in St. Clement's Church during the first speak-out on rape. Forty women shared the most painful experiences concerning their body and mental state in front of three hundred strangers who shared with them a space of faith—both literally and metaphorically. As women entrusted others with their trauma, they strived to build a movement to end violence against women's bodies. As these women gave testimonies, others joined them and shared their own experiences. They were empathetic to one another and instigated the passion to put an end to a problem that no longer was viewed as personal but rather deeply political. Thus, each testimony incarnated the famous slogan of the anti-rape movement “The personal is political,” but not in the sense of “exploding the personal” (i.e., eliminating everything that is personal) and not in the sense of privatizing the political.⁷⁰ Instead, each testimony connected strangers through act of sharing personal experiences and created bonds through affects with other women and allies who no longer felt like accommodating the normalization of sexual violence and were willing to fight together.

By constituting intimate counterpublics, not only did anti-rape activists provide alternative avenues to the legal domain, but they also opened the space for the possibility and, in fact, the need to rethink how we approach fundamental ideas such as

⁷⁰ Warner reflects on some of the common interpretations that this slogan received and mentions these two. According to the first, there is no such a thing as a private sphere because everything about it should be of a political interest. According to the second, we are talking about the disappearance of the political due to processes of privatization (Warner 2010, 33-35).

civil society, the public, and the political altogether. Thus, what is at stake in these counterpublics is much more than shedding light on exclusions from a given order, as argued by some critics of counterpublics theory. In addition to producing subversive content, building a theory based on experiential knowledge, circulating emotive energy, and generating affective solidarity, testimonies to sexual violence incarnate the possibility to create a space for the intimate within the political at the same that the political problematizes previously unquestioned experiences. Or even better, they disrupt the very boundaries between the two and invite us to reimagine what it means to live in political communities that are not based on a division between the private and the public. Considering that, I argue we are not wrong to suggest testimonies as tools in the cultural revolution called by Young and a valuable democratic tool in the project of “saving” civil society offered by Dean.

4. Moving beyond #MeToo: the rise of digital testimonies to sexual violence and their political aspects

I. Introduction: digital testimonies to sexual violence

The anti-rape activism of the 1970s impacted tremendously the way many people conceive, talk, and address sexual violence and helped spark anti-rape movements in many other countries in North America, Europe, Asia, and other parts of the world.⁷¹ In the U.S., the tireless activism of the 1970s led to significant achievements during the 1980s and the 1990s, such as federal allocations for rape prevention and rape crisis services (through the Preventive Health and Health Services Block Grant), the signing of the federal Victims of Crime Act in 1985 and the Violence Against Women Act in 1994, and the recognition of same-sex harassment by the Supreme Court in 1998, to mention just a few examples (Bumiller 2013).⁷² However, despite many of the successes of radical feminists, sexual violence is still a major problem for women and

⁷¹ See, for example, (Margolis 1993) for a comprehensive cross-national study of women's movements around the world.

⁷² At the same time, according to some critics, the feminist position articulated by second-wave radical feminists such as Brownmiller contributed to the rise of a carceral or punitive approach to the crime of rape and other forms of sexual violence during the 1980s and 1990s. For instance, in her critique of the women's liberation movement for its contribution to mass incarceration in the U.S., Gruber (2021) traces the rise of carceral feminism to some of the initiatives and ideologies promoted by feminists during the 1960s and 1970s. Gruber argues, "feminist antibattering and antirape discourse and activism meaningfully influenced the conservative victims' rights and crime control movements of the 1980s and the draconian sex offender laws of the 1990s" (119). According to her, while the anti-rape movement was not initially carceral, some of its agendas, and especially its focus on victims' stories, were instrumental to expanding the carceral state during the 1980s and 1990s (146). Similarly, Amia Srinivasan (2021, 165–66) reflects on the 1980s and argues that the feminists embraced the carceral solution to gender-based crimes in a time of general anxiety about crime and in an ideological climate that saw crime as a personal failure rather than a social problem. This punitive turn came with severe consequences for the most vulnerable populations. Thus, in recent years, we have seen more and more feminists' critiques of carceral feminism and a call for abolitionism. See, for example, the recent work by (A. Y. Davis et al. 2022) that traces genealogies of organizing that shaped the relationship between abolitionism and feminism in the 21st century.

sexual minorities in the U.S. and other places where anti-rape activism took place. Notwithstanding the important changes in laws, policies in workplaces and educational settings, increased awareness, and some changes in the cultural perception of sexual violence and sexuality more broadly, the struggle against sexual violence remains necessary.

Accordingly, women and allies continue to mobilize and invent new ways to create change. As new technologies and social media gained popularity, many oppositional practices around the globe have relocated or extended to virtual platforms, and “digital counterpublics have become indispensable and in many ways unavoidable, sites of 21-century community” (Hill 2018, 289). This also includes the practice of testimony. All around the globe, women and others have been using blogs, Facebook, Twitter, TikTok, and other platforms to share personal stories of violence, expose its scope and multidimensionality, and call for action. One of the most known examples of an online campaign against sexual violence and sexual harassment is #MeToo.⁷³ This example builds on and evolves from many other efforts that preceded Milano’s tweet in October 2017. Here, I refer to the activism of Tarana Burke, who started the Me-Too movement in 2006, and other hashtag campaigns that foregrounded personal stories of sexual

⁷³ #MeToo is an important example of the use of digital tools in the struggle against sexual violence and sexual harassment, and as such, it generated a significant amount of scholarly work focusing on its manifestation, first and foremost in the context of the U.S. but also in other geopolitical settings where local feminist groups and individuals had adopted the hashtag, or online sexual violence and sexual harassment activism in general, and reconfigured it to fit the specificity of their cultural, social, and legal norms. See, for example, (Ashwini 2018; Bansode 2020; Boyle 2019; G. Chandra 2021; G. Chandra and Erlingsdóttir 2021; Cossman 2019; Fileborn and Loney-Howes 2019; Gash and Harding 2018; Gilmore 2020; Hillstrom 2019; Mendes and Ringrose 2019; Mendes, Ringrose, and Keller 2018; Roth-Cohen 2021, 2021)

violence and sexual harassment at the center of online discussions, such as #YesAllWomen, #SurvivorPrivilege, #WhyIStayed, and #EmptyChair in the U.S. and their local versions around the world as well as original local initiatives.

Just like the second-wave feminists built a theory of sexual violence and a plan of action based on personal testimonies, so do contemporary campaigns against sexual violence use testimonies of victims/survivors as their focal point of activism. Thus, scholars tend to situate #MeToo and similar online campaigns within the broader history of anti-rape activism and identify the recent campaigns as online forms of consciousness-raising (hereafter, C-R) that continue and reinvigorate the second wave's strategies and politics. Yet, scholars also note that recent C-R groups do so on a global scale and in more nuanced and diverse ways than what we saw during the 1970s (Fileborn and Loney-Howes 2019; Loney-Howes 2019).

The analysis presented in this chapter will explore one case study of an Israeli Facebook group, "One of One," to shed light on the ways in which digital tools reshape, repurpose, and reinvent some of the usages of testimonies discussed in the previous chapters. Furthermore, drawing on this case, this chapter contributes to a longstanding debate concerning the political promise that digital tools carry. While some celebrate the political capacity of digital narratives to increase engagement and participation, build solidarity, and create a feeling of community as a necessary precondition for political mobilization (see, for example, Keller, Mendes, and Ringrose 2016; Papacharissi 2016; Vromen 2017), others remain unconvinced. The focus on speech in

online campaigns, in particular, received pushback from those who problematize what they see as the recent imperative to share personal stories, an imperative that not only moves us away from political action but also puts pressure on women to speak up in order to be seen and remain politically relevant (Boyle 2019, 27; Fotopoulou 2016, 47; Franks 2019, 86). Similarly, Lauren Rosewarne (2019, 176) argues that #MeToo is an example of a contemporary C-R that is struck in the stage of C-R. She questions what happens after these stories are told and what impact they have on the policy as “it lacks formal leadership, structure and agreed-upon goals and objectives and instead more closely resembles an issues network not yet mobilized to do anything beyond help to shape and perpetuate discourse around sexual misconduct.” Michael Ferguson (2022) also points to the anti-political character of contemporary C-R, but instead of focusing on its relationship to policy, she critiques the lack of a revolutionary imaginary. According to her, “the very form of feminist hashtivism amplifies the anti-political reliance on existing theories, and discourages curiosity and exploration of alternatives” (277).

These concerns are amplified by the fact that the rates of sexual violence and sexual harassment cases in Israel and other countries with strong anti- sexual violence and sexual harassment digital presence did not decrease.⁷⁴ In fact, a 2022 report from

⁷⁴ For instance, some data indicates that, in the U.S., one in five women has experienced a completed or attempted rape (S. G. Smith et al. 2018), and 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault in their lifetime (Kearl 2018). However, according to the National Crime Victimization Survey from 2018, sexual assault remains the most underreported crime, with only 25% of incidents reported to the police (Benner 2019). There are no significant changes in the

different supportive services for victims/survivors in Israel shows an increase in some forms of sexual violence and sexual harassment, such as an increase of 36% in cases involving date rape drugs and 186% in appeals for assistance involving children's abuse by a teacher or tutor (Sexual violence annual report 2021 2021). While the discourse revolving around sexual violence did evolve, and we do have a greater awareness of different forms of sexual violence, its harms, and impacts, the phenomenon itself is still very much prevalent. This supports arguments in favor of being more careful with our endorsement of digital tools for political change and not stopping short and abandoning other forms of political action.

Additionally, some scholars take issue with the individualized nature of this form of activism and its complicity with the neoliberal and capitalistic nature of the network within which it operates. For example, according to one of the most prominent critics, Jodi Dean (2007, 227), "instead of leading to more equitable distributions of wealth and influence, instead of enabling the emergence of a richer variety in modes of living and practices of freedom, the deluge of screens and spectacles undermines the political efficacy of and conceals the economic devastation confronting most of the world's people." Given the convergence between digital platforms and globalized neoliberalism, Dean believes the Internet leads to the depoliticization and deradicalization of democracy and diverts feminists' attention from larger systemic

criminal victimization reports from 2019 and 2020 (Morgan 2020). Reports from the U.K., show that the highest ever number of rapes was recorded by police in the year ending September 2022 (70,633), with only 2,616 charges of rape cases at the same time period (CPS data summary Quarter 4 2021-2022 | The Crown Prosecution Service n.d.; Jones 2023).

patterns of violence. Similarly, building on Dean, Salter (2019, 319) argues that one of the key problems with using social media for social change is conceptualizing tools like Facebook and Twitter as neutral. Following these critiques, using platforms such as Facebook to share personal stories of violence is, at best, ineffective and, at worst, conducive to advancing a system against which they speak.

These critiques are valid and demand serious consideration if and when one chooses to use digital channels to share testimonies and/or partake in local, national, or global movements. I agree that we must be careful in the way we theorize the political capacities of testimonies shared via tools that target, discipline, and increasingly surveil their users.⁷⁵ When one engages with others on Twitter or Facebook, for example, one subjects herself to rules and regulations (or the lack thereof) created by and for corporate interests that have little to do with democratization or concern for the marginalized. I also agree that these tools present us with the danger of depoliticization and deactivation. We should not confuse the power of writing a comment or clicking on “like” with the stakes involved in marching on the streets and putting your body on the line to be seen and open for punishment and violence. It is the conviction of this project more broadly that testimony, in whatever form or shape, could not be the sole goal or the end of political work against sexual violence. Thus, if no other political action follows the circulation of digital testimonies, I agree that we will fall short of

⁷⁵ As Isin and Ruppert (2020, 173–74) warn, “Although enabling social movements to have unprecedented reach and scale, digital acts also implicate them in profiling, identification and tracking technologies that are then used against them [...] This becomes an acute, if not urgent, issue when social activists use social media to do what is broadly called ‘digital storytelling.’”

ending sexual violence or arriving at egalitarian democracies with greater gender equality.

However, despite these critical shortcomings and risks, digital activism and digital testimonies are here to stay. In our current moment, with developments in artificial intelligence, for instance, we have all the reasons to assume that technology would play an even more significant role in shaping our social and political lives. Moreover, as I show in this chapter, these tools present us with some valuable qualities that are worth saving when we rethink the configuration of our future political communities. Hence, instead of rejecting these tools altogether, I join Baer's (2016) identification of digital platforms as *sites of ambivalence* that alter, influence, and shape contemporary feminism in dialectical ways by opening opportunities for change and subversion while (co)existing and operating in exploitative ecosystems.⁷⁶

To recover some of the subversive usages of digital tools, this chapter provides an original analysis of victims/survivors' testimonies on the "One of One" page. This campaign originated on Facebook in June 2013 to serve as a platform for victims/survivors of sexual violence to share their testimonies, and it was active until July 29, 2019. This case presents us with one of the earliest endeavors to use digital tools to share testimonies to impact change. Before #MeToo or other big-scale

⁷⁶ Similarly, Daniels (2009) argues that cyberfeminism both subverts and reinforces hierarchies of gender and race. See also, Fotopoulou (2016), who shows how the digital culture is full of tensions and contradictions between inclusion and exclusion, representation and materiality, and vulnerability and empowerment, and Asenbaum (2018), who points to the ways in which digital tools and their features such as anonymity provide opportunities for contradictory phenomena, such as inclusion and exclusion, subversion and submission, honesty and deception.

campaigns, this page articulated a clear agenda of what role digital tools should play in the struggle against sexual violence and operated as a significant platform for victims/survivors and allies to share, listen, and connect around the issue of sexual violence. This case also allows us to expand our discussions of the political functions of testimonies beyond the boundaries of the U.S. and learn from other legal, cultural, and political settings about the political promises and limitations of testimonies as democratic tools. Simultaneously, it allows us to see the connection between movements and ideas as these travel across legal, national, and cultural borders at unprecedented speed with, for example, the presence of new kinds of responses such as “I believe you” or “me too” on the Israeli page right after their appearance in the context of the U.S. Furthermore, this page provides a unique example of how to utilize digital testimonies as part of a larger spectrum of online and offline political activities in comparison, for example, to hashtag campaigns like #MeToo. Lastly, this case reveals a complex and nuanced relationship between digital activism and law and presents us with an important example of the limitations of progressive ideas concerning gender and law when they do not confront other systemic oppressions.

The following questions guide this analysis: what does bearing witness to one’s sexual violation look like in the digital era? What unique features do testimonies that are given via social media share, and in what ways do they resemble those we saw in the context of C-R and speak-outs during the 1970s? Relatedly, what is the relationship between digital testimonies and offline activities in other civil society domains? Most

critically, for the purposes of this chapter, what do digital testimonies want to achieve politically, and what kind of political work do they do, intentionally and/or unintentionally? Is there something politically new about digital testimonies, and specifically, what is their relation to legal tools?

Drawing on this case, this chapter argues that digital testimonies possess qualities conducive to democratic politics. First, they provide victims/survivors with alternative forms of justice and give them the freedom of choice (i.e., they can decide what to do with their testimony, how to testify, what to share, and in what genre to speak, among others) that doesn't exist in the official legal realm. While any form of justice will always be incomplete and imperfect, alternative forms of justice are constituted upon this understanding. Additionally, they do not revolve around prosecution or redemption and even not reparation. Instead, they focus on the survivors' needs, and by giving choices, they have the political potential to enact survivors' agency and increase their participation in shaping the discourse and public response to sexual violence. Furthermore, the affordances of the digital sphere allow testimonies to create connected solidarity and a feeling of community in such ways that constantly extend the boundaries to include more voices, share new stories, and arrive at new audiences. Yet we talk about imperfect communities that exhibit, among other issues, marginalization and exclusions. However, given the specific nature of the digital form of testimonies, they are more open, flexible, malleable, and permeable than the traditional forms of communities bonded to specific places and times. Also, the impossibility of the

distinction between the private and public that we saw in the previous chapter takes an additional turn in an environment where individual voices travel through legal, national, and cultural borders to connect with others with unimaginable speed and scale.

To develop these arguments, the chapter starts by providing some background and descriptive information concerning the “One of One” Facebook page and the testimonies that it archives. Then, the chapter turns to an analysis of three themes through which the subversive qualities of digital testimonies and their limitations become clear. The first theme—*alongside, instead of, and against the law: constituting alternative forms of justice through digital testimonies*—focuses on the specific relationship that digital testimonies constitute with the law. It shows that despite being aware of the legal system's limitations, they do not call for reform within the legal system. Instead, these testimonies prompt survivors' political agency by addressing justice interests of participation, voice, and validation. In the second theme—*generating solidarity through connective action*—I explore the kind of collectivity that these new testimonies support. Unlike C-R groups and other in-person physical practices, these digital testimonies provide opportunities to connect across time and space and create connective solidarity among numerous and distant strangers that is nevertheless affective. Lastly, in the third theme—*at the margins: the failure to attend to multiple systems of oppression*—I discuss the limited “political tolerance” that readers of testimonies on the “One of One” page show to stories that diverge from the

accepted analysis of sexual violence. While being open to challenging the patriarchal foundations of Israeli society, both the absence of Arab-Israeli and Palestinian voices and the hostile responses towards accounts that call out Israeli discriminatory and exclusionary culture show that conservative, racist, nationalistic, and militaristic values can sometimes prevent empathy toward and solidarity with survivors. While the first two themes reveal some of the critical qualities of digital testimonies, the last discussion serves as a reminder of some of the caveats standing in the way of these qualities to fulfill their promises and the work that we still have to do. The last point will be further explored in the concluding chapter, where I discuss the broader political implications of using testimonies for social transformation.

II. The case study of “One of One”

“This happens to us as girls, women, and elderly women. This happened to me. To my sister. To my mother. To my grandmother. To my daughter. To my aunt. To my sister-in-law. To my neighbor. To my friend. To my niece. Because sexual assaults and harassment happen to us all the time.”⁷⁷

One of the pivotal moments in the legal history of Israel concerning issues of sexual violence was the law of sexual harassment in 1998. This legislation was considered at the time as one of the most progressive in the world because of the precedent it set in recognizing the issue of sexual harassment in the workplace and

⁷⁷ From the About section on the “One of One” Facebook page (אחת מתוך אחת | Facebook n.d.). All the quotes from the page, including the testimonies themselves, are translated from Hebrew by the author.

seeking to address it through the criminal code (Muallem 2016).⁷⁸ However, despite this expansive legislation, like in many other countries, sexual violence remains a serious problem in Israel, affecting disproportionately women, girls, and sexual and gender minorities. For instance, according to a 2021 report made by Igud, a center for supporting victims of sexual assault, in 2020 alone, the center received about 50k calls concerning incidents of sexual violence and sexual harassment (among them, almost 14k were new) (Sexual violence annual report 2021).⁷⁹ Yet, even when reports are made to the police, similarly to the U.S. and elsewhere, rarely do they reach a judicial decision. According to the 2021 report made by the Center of Research and Information of the Knesset (the Israeli house of representatives), a judicial decision was given only in 3% of cases that opened in 2020 and 7% of cases that opened in 2019. More than half of the cases got closed due to a lack of evidence (Avgar 2021).

Given the magnitude of the problem and a lack of effective response to it by the legal system, in recent years, Israeli women started to use social media to combat sexual violence and sexual harassment. The earliest and most successful initiative using digital tools was the Facebook page “One of One,” launched in 2013 by Shlomit Havron and Gal Shargil as a platform for sharing personal testimonies of sexual violence and sexual harassment. According to the founders, the page had a few main goals: to give stage

⁷⁸ Orit Kamir, one of the persons drafting the law, explains that the law sought to address some of the shortcomings of American law by combining the American perception of the harm of sexual harassment as violating the right to equality together with the violation of the rights to human dignity, respect, and freedom while prohibiting sexual harassment in *all* social settings and constituting it as both a civil wrong and criminal offense (Kamir 2012).

⁷⁹ 88.8% of the victims were girls and women, and in 97.2% of the cases, the reported perpetrator was a man (Sexual violence annual report 2021).

and voice to anyone suffering from sexual violence and sexual harassment, show how widespread the problem is, dismantle victim blaming, and call men to join the struggle (Shlomit Havron from “One of One”—an evening on the topic of women, femininity, and gender 2014). Since its launching, the page has attracted nearly 45k followers and 47k likes (which, given the size of the Israeli population, is considered a popular page among those focusing on social justice issues.)⁸⁰ In 2015, the page also became a nonprofit organization offering services such as legal assistance to those who filed an official complaint. In June 2019, the page (and the nonprofit) terminated its activity but remained a digital archive of testimonies (Malz 2018).

The online archive includes about 2,500 testimonies published between 2013-2019, with an average length of 2,500 words per testimony. The website administrators were the ones to publish the testimonies after receiving them directly from the survivors. Although there are a few testimonies given by men, most of the testimonies were given by women from different backgrounds and ages (from young adults to women in their late 50s and 60s).⁸¹ According to the request of the survivor, the testimonies were published either anonymously, with the person’s full name, or just using their first name.

⁸⁰ For comparison, one of the largest left-wing NGOs, Shovrim Shtika (translated to breaking the silence), working on exposing the harms of Israeli military occupation, launched its Facebook page in 2010 and is still very active, and has 76k followers. Link to the Facebook page: <https://www.facebook.com/shovrimshatika>.

⁸¹ Note that the page did not post testimonies by persons below the age of 14, and in cases of victims/survivors between the ages of 14 to 18, the administrators published only after they confirmed with the authors that they understood the implications of publishing and received information about supportive resources.

In the following analysis, I focus on a sample of testimonies published in 2013, when the site first launched, in October 2017 (after the influential tweet by Alyssa Milano), and in 2019 during the last year of the page's operation. I choose these points in time to observe changes in, for example, themes, tone, style, and responses, among other things, from the beginning of the page's activity to its termination. Furthermore, since one of my interests is to see whether a transnational movement and counterpublic was created through different digital campaigns, I wanted to see whether and in what ways the discourse of #MeToo and other influences from abroad found their way to the testimonies published on the page.

In general, the testimonies I analyzed showcase a variety of writing styles. Most authors chose to share their experiences through first-hand stories using one or a few paragraphs. Others disclosed their experiences of sexual violence and sexual harassment using the genre of poems, op-eds, and lists with bullet points (where each point was dedicated to a different incident.) These stories also show how diverse the experience of sexual violence and sexual harassment is, not only in terms of what happened but also where and by whom. On this page, we witness stories about sexual harassment, stalking, sexual assaults, rapes, child abuse, and other painful experiences caused by mostly men— sometimes strangers, but also sometimes fathers of friends, coworkers, partners and husbands, brothers, and other family members, close friends, or teachers—in different domains of life such as public transportation, the streets, workplace, military, the house, clinical setting, and the virtual realm. Some tell their

story for the very first time, and many state explicitly why they choose to talk about it now—for example, to empower other women, to process what happened to them, and make a statement about what is the core of the problem and how to address it.

The overall tone of the responses to these testimonies was positive, and this remained true throughout the years of the page's activity. Most of the readers were women, and the responses ranged from clicking on "like" to commenting on a writer's testimony by saying supporting things such as "you are not alone" or "this is not your fault," sharing what emotions the testimony brought for them, disclosing their own experiences of sexual violence and sexual harassment, and sharing resources, among others. What changes after 2017 is the volume of responses with an increase in reactions—likely due to higher exposure to the page and the addition of new reaction functions on Facebook. Also, some common phrases and hashtags from other online campaigns originating outside of Israel started to appear, such as "I believe you" and "MeToo." Additionally, we start to hear about new forms of sexual violence related to the virtual sphere, such as harassment via Facebook or hacking into one's computer to access nude pictures and share them on different online platforms.

With this introduction to the case of "One of One," I want to turn to the analysis of the political meanings these stories carry. As one of the founders, Shlomit Havron, explained, the goal of this page was not only a therapeutic one; rather, this page is political and ideologically feminist (Shlomit Havron from "One of One"—an evening on the topic of women, femininity, and gender 2014). While it is not necessary that the

reality will match the founders' aspirations, as we shall see, the work that these testimonies do couldn't be limited to therapeutic aspects. No doubt these are important, but these testimonies entail important political dimensions as well. By shedding light on these aspects, I hope to respond to some of the critics who reject digital tools for the way they encourage depoliticization and deactivation. I argue that, though not free from problems, these tools also provide important opportunities for achieving justice, connecting with others, and building local and global movements.

III. Analysis: the political qualities of “One of One” testimonies

Alongside, instead of, or against the formal law: constituting alternative justice

Scholars and commentators alike noted that the #MeToo movement came as a response to the continuous problems associated with the legal system and how it treats victims of sexual violence and sexual harassment. It has been argued that “one of the deepest assumptions of the #MeToo movement is that the society we live in provides us no real options for justice [...],” hence to challenge the systems of power that allow this kind of violence to persist, “we must build from the ground up” (Jaffe 2018, 81). According to Cossman (2018, 13), that is precisely the promise of #MeToo, as it “presents a direct challenge to the law’s exclusive power to define and adjudicate sexual harms” by providing an alternative stage for women and others to voice their experiences using social media platforms.

Yet #MeToo was not the first online movement to respond to the limitations and failures of the legal system or to use online testimonies in its struggle against injustice. From the start, the Israeli Facebook page “One of One” positioned itself as an alternative platform for survivors’ testimonies. Throughout the years of its activity, many of the published stories and/or the responses to them engaged quite directly and explicitly with the failure of the legal system. Several of these testimonies were written by victims/survivors who used the legal channels in the past and now share with their virtual audiences the disappointing experience of reporting to the police and/or the humiliation they experienced when standing in court. Among those who did not have first-hand experience with the legal system, there were still many who criticized it and expressed their distrust as a reason for never speaking up before the law. Notwithstanding the critical tone, many of the testimonies and the responses I analyzed exhibit a deep awareness of some of the legal caveats and procedures—for example, what kind of sexual behavior is prohibited by law or what are due process rights.

Importantly, the page administrators did not ignore the fact that many victims/survivors still use the law. For example, in addition to this page, in 2014, the founders started a discrete and encoded database of perpetrators’ names. Using an online form, women reported to the database the name of the perpetrator. If there were multiple reports on the same person, the administrators contacted the women involved to share that this person has multiple complaints and inform what others decided to do (without sharing any further information). Note that it wasn’t a tool of warning, sharing

information with a third party, or a way for women to connect and meet. In fact, the founders explicitly acknowledged how sharing sensitive information, beyond the fact that there are several complaints on the same person, could lead to losing a case in court. Instead, the idea was to give women knowledge that there is a pattern and then to let the victims/survivors decide whether they want to file a legal complaint or not (Havron 2016).

Concerning the relationship of the “One of One” page to the law, the page administrators clarify their agenda in a preface to one of the testimonies published around the time of Milano’s tweet in 2017. In the preface, they wrote: “We received the testimony of superintendent Z, a brave and inspiring woman, who testified against the major general and a head of Lahav 433 [a police division against severe crimes], Roni Ritman, in an investigation ran by Mahash [an investigative division of policemen]. Read until the end, and you will understand why it takes years for women to complain (if at all) and why they choose to complain on social media and not only in the police.” I will elaborate on this point in the second theme but note how the preface and, even more so, the testimony itself, using the hashtag #metoo, make a connection to the global movement and its response to the legal system. The survivor writes, “When numerous testimonies of sexual violence began to be published abroad following #MeToo, I felt like there are finally people who speak for me. That I am not alone. And in our country too, the dam had opened, and more and more women speak about their pain [...] suddenly to speak and write about it became not only the logical thing to do but a need,

a must, something that I have to do” (superintended Z, testimony 2363). In need to write, she refers to breaking the silence forced by the law through modes of writing in alternative channels such as the “One of One” page.

If so, many digital testimonies on “One of One” reflect a deep connection to the law. But what kind of connection is it? If much of the second-wave feminism’s energy was channeled toward using testimonies to expose legal failures, redefine sexual violence, and improve the legal response to victims, the digital testimonies I analyze here go further to rethink justice needs more broadly. Remember that the radical wing did not represent all the activities against rape during the 1970s. Liberal feminists in major organizations such as the National Organization of Women (NOW) took up the issue of rape and pushed forward new laws, policies, and other legislative initiatives. In contrast, radical feminists created counterpublics where women could break the silence and challenge dominant scripts of rape common in law and other domains. In this sense, what we see in the digital era is the continuation of this approach. Building on many of the insights offered by radical feminists during the 1970s, those who testified on the “One of One” page opened a space to rethink the idea of justice itself and address new needs that victims/survivors may have. While many did communicate how the law is insufficient, they turned the focus on the victims/survivors and showed aspirations that have little to do with legislation, increasing prosecution rates, or improving the legal processes.

On the “one of one” page, we hear only the stories as they are experienced and told by the survivors, there is no action against the perpetrators, and the victims/survivors do not even name the perpetrators. Unlike in courts and other legal settings, there is no “she said/ he said” situation where authoritative listeners weigh each narrative against the other to reach a verdict. There is no verdict, prosecution, or legal redress when one chooses to share her testimony via “One of One.” Thus, instead of calling for punitive approaches to the problem of sexual violence, I argue that *testimonies on the “One of One” page focus on achieving informal forms of justice and extending women’s access to the process of testifying outside of the law.* In particular, the page helped to address three justice interests theorized by Daly (2017): *validation, voice, and participation*⁸² by eliminating some of the key barriers evident in the process of bearing witness before the law and allowing women to determine how they want to testify. This, in turn, amplified women’s voice in the public sphere and enabled them to affirm their role as political subjects who are engaged in the work of challenging the status quo and creating a change.

⁸² Daly (2017) studied the optimal justice responses from the victim’s perspective and argued that for too long, the researchers’ focus has been on achieving therapeutic outcomes and that, instead, we should attend to additional objectives. She is especially interested in those that emphasize the political relationship that victims as citizens have in pursuing justice (114), among them: participation, voice, validation, vindication, and accountability. For the purposes of my analysis, I find voice, validation, and participation to be most instructive. She defines voice as “telling the story of what happened and its impact in a significant setting, where a victim-survivor can receive public recognition and acknowledgment. Voice is also termed truth-telling and can be related to participation in having a speaking or other type of physical presence in a justice process. Voice or the ability to tell one’s story is the most frequently mentioned justice element” (116). And the definition refers to “affirming that the victim is believed (i.e., acknowledging that offending occurred and the victim was harmed) and is not blamed for what happened (116). Lastly, Daly defines participation as access to information and the ability to shape the outcomes of justice processes (115). However, note that I refer to participation as choosing to partake in the process in the first place and the ability to shape the terms of your participation.

To elaborate, the discussion of the legal failure to address women's testimonies in Chapter Two showed that the legal system tends to impose strict rules on the process of giving testimony. In Chapter Three, we saw one historical example of women's endeavors during the 1970s to create alternative spaces where they can arrive at self-understanding, redefine what happened to them, and build theory and plan of action. Online platforms like "One of One" page continue this pattern and give even more space for individual choice, experimentation, and ambiguity in the process of bearing witness to sexual violence. In the digital sphere, women can choose how they want to present themselves, what they want to share, and how they want to tell their stories without being bound to legal rules or any other expectations. Although C-R groups were more flexible than the legal arenas, there were still clear principles guiding the work in these spaces—for better or worse, those are absent in digital arenas.

First, before the law, one must be present and use their full legal name, and in C-R groups, all the members got to know each other intimately over the course of their (in-person) participation. By contrast, in the case of digital testimonies, although victims/survivors shared intimate details about the different ways in which their bodies were violated, their material bodies were not present at the moment of giving testimony. This duality of the presence of the body as a symbolic site and its material absence is a unique feature of the digital sphere characterized by hybridity.

In her pronounced piece on the constitution of the "Cyborg" in the late 20th century, Donna Haraway (1991) identifies the promise of new technologies with the feature of

hybridity. According to her, this hybridity signifies the destruction of rigid dichotomies, such as those between the human and the machine, and provides us with a way out of the trap of dualism within which we imagine ourselves, our bodies, and our social relationships. Contemporary scholars studying activism and social media also point to the ways in which digital tools allow us to create virtual bodies and blur boundaries between the “real” and the “representational” (D. Boyd 2010; Hearn 2021). For our purposes, the significance of removing the corporeal frame of the body from the testimonial scene concerns the removal of the physical characteristics associated with it (such as age, clothes, and make-up) as well as the attributes of the voice (such as, “hysterical” or “indifferent” tones) used to discredit the story and create doubts about the victim’s credibility.

Furthermore, the digital sphere allows the victims/survivors the freedom to choose how much to reveal of their identity and how to name themselves. Accordingly, we can see how different victims/survivors find value in different options. For some, it was important to use their full name in the publication of the testimony, and some even wrote in their testimony why this was essential to them. For example, Hadar (testimony from June 26, 2013) closes her testimony by saying that she publishes using her full name, knowing that some of her friends and family who are not aware of what happened to her may now read it. In her last sentence, she writes, “If it happens that any of my acquaintances read these things ... Yes, this is part of my past, and this is how it was.” Thus, giving this testimony under her full name allowed her to assert her past before

people who were not aware of it. Yet, others were grateful for the opportunity to share their stories without giving identifying details to avoid exposure among their loved ones. For instance, Dafi (testimony 229) writes, “I want to say that I don’t publish my full name because I don’t want the people who I love to read this and feel pain.” Yet she also didn’t want to remain silent and wished others to read her testimony “because people need to know what women are going through every day.” Through these examples, we can see that there are different justice needs, such as healing, empowerment, and recognition, that the formal legal process cannot address.⁸³ On the contrary, the flexibility of the digital format and the ability to choose anonymity allowed women who wouldn’t want to testify otherwise to speak up their truth while at the same time empowering and amplifying the voices of those who want their name to be seen and their past to be known.⁸⁴

Interestingly, anonymous testimonies did not receive less supportive comments on the “One of One” page and did not raise more questions from readers even though all they had was the story itself. This differs from what we saw in the chapter concerning

⁸³ Since the 1980s, there has been a movement in the U.S. and elsewhere toward therapeutic jurisprudence, according to which since the legal procedures have psychological effects on the victims, it is critical to incorporate additional justice needs in the legal process, such as validation and remedial experience of security, dignity, control, and self-determination (Dancig-Rosenberg 2008, 166).

⁸⁴ Anonymity is probably one of the more contested features of cyberspace, making it at once more vulnerable to abuse, deception, and exclusion as well as more conducive for honesty, inclusion, and sharing of the most intimate stories with (at least theoretically) infinite others (Asenbaum 2018; G. Chandra 2021). Specifically, the anonymity afforded by digital tools contributed to the flourishing of phenomena like trolling and abusive responses to voices that challenge rape culture online. However, as Keller, Mendes, and Ringrose's (2016) study shows, despite the risks and some hostility, the digital sphere was seen by the participants of online campaigns like #MeToo as a safer and easier space to engage in feminist discussions about sexual violence. The testimonies that I examined confirm these insights.

legal testimony. In the legal sphere, much of the process revolves around the credibility of the survivor's testimony which demands an account that is as detailed as possible. Any omission could raise more suspicion in a process where the survivor starts from a credibility deficit due to prejudice associated with identifiable characteristics (such as gender, looks, tone, age, marital status, race, and past or current behaviors.) However, in the online sphere, the readers know about the victims/survivors only those details they want to share. But as the positive and encouraging reactions to women's testimonies on this page show, the scarcity of details or identification doesn't lead the readers to disbelieve the survivor. Instead, for the most part, they accept survivors' words and validate them.

The positive responses to survivors' "incomplete" testimonies illustrate how social media opens for women and others not only new ways of speaking but also of witnessing. That is, similarly to C-R groups in the 1970s, the digital testimonial scene includes speech acts that refuse the silencing of women's experiences of violence and reject the idea that rape and other forms of sexual violence are unspeakable (Loney-Howes 2018, 27). Furthermore, through digital testimonies, women bring the truth of sexual violence to the public sphere to be witnessed by others. Hence, the scene also includes the witnesses to one's speech. This in and of itself is not unique to the digital sphere. As we saw in the previous chapters, the relationship between the speaker and the hearer is present and vital in any domain where testimony is given. However, the digital sphere creates what Loney-Howes calls "*peer-to-peer witnessing*" on an

unimaginable scale while breaking the asymmetrical relationship between the speaker and the hearer that is so common in other domains, such as the courts, the clinical setting, and even C-R groups where there are those who take the lead in crafting the agenda and structure of the process of sharing testimonies.⁸⁵

There are many ways to listen in online spaces. Studying online receptivity on social media, Crawford (2009) identifies three main modes of listening: background, reciprocal, and delegated.⁸⁶ In the case of online campaigns against sexual violence, the most prominent mode is reciprocal listening, which is dialogical, and involves direct and engaged responding and mutuality. In these cases, women give testimony first and foremost before their peers and other victims/survivors while enabling them to become witnesses and speakers at the same time (43). Think about the response “Me too” and the relationship it forged between the different participants. As Debra Jackson (2018) rightfully notes, unlike other responses (such as “I believe you”), however empathetic they might be, that place the listeners/readers in a position of authority to judge the speech act, saying “me too” creates a symmetrical relationship since it reverses the roles of victim-testifier and hearer-responder. By answering one’s testimony, “Me too,” women become witnesses to their mutual vulnerability, give each

⁸⁵ For example, in C-R groups, the unofficial leaders or organizers state what topic women should talk about in any given meeting, while on online platforms, women can give testimonies on looser terms. For instance, by using a specific hashtag like “#MeToo,” women connect to the general theme of sexual violence and sexual harassment but can decide what exactly goes under this category.

⁸⁶ Background listening refers to commentary and conversation that remain in the background of our attention as we tune in and tune out in our responses. Delegated listening is often observed in politicians and corporate organizations where delegated personnel is assigned to listen and respond to claims (Crawford 2009).

other mutual recognition, and enact their agency as both speaking and witnessing subjects.

Similarly, on the “One of One” page, the readers do not see themselves in a position to pass judgment but rather in a supportive role of affirmation and validation. Like in second-wave C-R groups, though on a much greater scale and without personal relations, the readers on this page share the commitment to ending sexual violence, and many of them are victims/survivors themselves. Thus, unlike in the legal process where giving testimonies results in re-victimization of the victims/survivors by way of questioning their story and integrity, digital testimony grants them *validation*, understood as “affirming that the victim is believed (i.e., acknowledging that offending occurred, and the victim was harmed) and is not blamed for what happened. It reflects a victim’s desire to be believed and to shift the weight of accusation from their shoulders to others [...]” (Daly 2017, 117). In the legal process, the victim who speaks up is often accused of either lying or “bringing it on herself.” In contrast, by validating survivors’ speeches, the digital witnesses treat victims/survivors as credential speakers and grant them recognition. These are critical steps not only on the individual level or from a therapeutic perspective. By granting recognition, these tools have the potential to correct the epistemic deficit of victims/survivors of sexual violence, which, as we saw in the discussion of the legal testimony, is a political matter emerging from and reflecting the political status of specific groups in the polity.

In addition to the freedom of identification, one can choose what to share. Victims/survivors can share as much or as little as they want. “I don’t want to share the details of what happened, only the feelings that I have a year after it happened,” writes Liraz (testimony 2352), whose experience of rape led to a mental breakdown and hospitalization. Her testimony is relatively short (about one short paragraph), and it includes mostly a description of how the state (the police and the social systems in place) had failed her, as well as the expression of her rage and pain. This kind of testimony would not be accepted in courts because it does not provide a linear representation of the rape itself or even name one specific crime with a clear culprit.

Furthermore, a whole new spectrum of incidents and situations is conveyed through these digital testimonies. Victims/survivors share their experiences of various forms of sexual behavior and coercion that may not be technically illegal but that they find both unethical and personally harmful. Not bounded by legal definitions, in addition to experiences such as rape and sexual assaults, victims/survivors also share more ambiguous, messy, and less clear-cut stories. For example, Tali (testimony 2351) writes about a situation that she *thinks* was rape but has a hard time admitting even to herself that it was one. “Not because I blame myself, but because deep inside, I don’t know to say if I wanted it or not.” From what we learned about the legal expectations from a “trustworthy” testimony, we can confidently assume that Tali’s testimony would be dismissed altogether as the law needs a clear claim, and if the survivor wants to withstand the pressures of the defense, she needs to be confident in her story. But on

this page, she could voice the messiness of that experience, how she did not *fully* want it yet felt pressured to have aggressive sex with this man. She doesn't have to give a concrete name to what she experienced. She concludes her testimony with the following: "I am afraid to call it rape because it feels like it would undermine experiences of girls who are "really" raped "by the book." But this story is complicated, and it will probably take me more time to process and understand it."

Tali distinguishes between "rape by the book" and something else more complicated. Section 345 of the Israeli Penal Law defines rape as the penetration of a female by a body part or object without consent. Yet, Tali is not sure that this is what she experienced, especially concerning the lack of her consent. Even though legally she might not have standing, there is something here that is still valuable for her to share, and this platform allows her to do that without failing to pray to more questions, doubts, and integrations whose goal is to determine once and for all whether it was or was not a rape.

In other words, the digital sphere gives the freedom to move away from questions of legality to more ethical and moral considerations. Alon, in a testimony titled 'a Confession of a Man' (December 25, 2013), calls our attention to this distinction and the need to account for situations that, though not illegal, are based on unethical or morally wrong assumptions. He tells three stories that recall situations from his young adulthood that happened to girls in his Kibbutz and concludes by explaining that in sharing these stories, he wants to say that "one of our biggest problems is that the values

and morals in our society and schools, in particular, are based on what is allowed and what is forbidden, and not what is good and what is bad.” Thus, Alon calls our attention to the need to go beyond official legal definitions and approach the issue of sexual violence from an ethical point of view.

However, it is important to note that such a move away from strict legality also brought a lot of critiques towards digital forms of testimonies by those concerned with due process rights. Many opponents of #MeToo argued that it went too far and that it curtailed the due process and the entire authority of the law to define harms by, for example, blurring the lines between acts that are not unlawful (yet might not be ethical or entirely consensual) and illegal misconducts (Cossman 2018, 14). Similarly, reflecting on #MeToo’s influence on the Israeli online responses to sexual violence, Kamir (2019) argues against what she sees as a divergence from specific and concrete misconducts encoded in law and undercutting of the basic principle of proportionality, accountability, fairness, and adherence to the rule of law.

These critiques ask to preserve clear boundaries between the goals and processes of the law and other interventions that should not reside under the official law. Such a position rules out a therapeutic model of justice according to which the justice system should provide not only prosecution and fair process but also relief to the victims by providing the remedial experience of security, dignity, control, and self-determination (Dancig-Rosenberg 2008, 166). Whatever our normative stand on this question is, the reality of the Israeli legal system, as in many other places, shows that we are far away

from addressing needs such as validation. Extra-legal testimonies, on the other hand, while creating tension with and for the law, open space for addressing precisely these alternative justice needs. With no punishment, verdict, or financial remedy, extra-legal testimonies nonetheless have the power to validate, empower, support, and acknowledge the victim/survivor as a person, survivor, and a political subject.

Finally, in addition to being able to choose how to present themselves and what to share, victims/survivors have more freedom to decide how to share their testimonies. On this page, victims/survivors testified using multiple genres, from more straightforward first-hand accounts to poems, short critical essays, and lists with multiple incidents. Some are very detailed and walk the readers through what happened, almost in a precision demanded by the law, but others are less coherent, with gaps and missing pieces. As we saw, any gap in the survivor's testimony before the law could be used to create doubts about the credibility of the testimony. Therefore, the lawyers intervene to craft the testimonies and prepare the witnesses to make sure that they have flawless accounts. On the contrary, on the "One of One" page, survivors' words are given as they are. There is more room for acknowledgment of the trauma and how it impacts one's memory and ability to speak about it. Similarly, there is more room for listening to multiple accounts, with or without connections between them, as the goal isn't to reach a verdict and convict a particular culprit but to give space for the whole range of traumatic experiences that one has undergone as well as to shed light on how frequent sexual violence is, and how many different forms it can take.

These aspects of freedom to choose your name, what to share, and how to share, as well as the ability to share without physical presence, allow more women to participate in the process of giving testimony (in comparison to the legal sphere as well as extra-legal domains like in-person C-R groups) and thus amplify women's voices in the public sphere. According to Daly (2017, 116),

The generic definition of voice is as follows: telling the story of what happened and its impact in a significant setting, where a victim-survivor can receive public recognition and acknowledgment. Voice is also termed truth-telling and can be related to participation in having a speaking or other type of physical presence in a justice process.

In the formal justice process, survivors' voices are constantly mediated by either those who question them or those who intend to help them win the case by submitting to legal standards. In most cases, victims/survivors are alone in front of a system that historically and to this day exhibits biases when it comes to gender and sex-based forms of violence. For these and other reasons explored in Chapter Two, many victims/survivors do not opt to make a report or go through the legal process. However, many victims/survivors still want to share what happened to them, tell their truth, voice their indignation, and be active agents of change. The "One of One" page gives them the stage to do so by eliminating some of the common barriers imposed by the formal justice mechanisms. Some of the digital testimonies are performed alongside the legal testimonies, whereas others are performed online instead of the legal ones; whatever the case is, many go directly against the legal shortcomings.

Therefore, the analysis presented here confirms Powell's (2015, 573) argument that social media is not simply a tool for conventional justice, but rather they mediate and allow new social practices of *informal justice* that better serve interests such as participation, voice, and validation. The digital sphere helps overcome an epistemic deficit that positions victims/survivors in a less trustworthy epistemic position and provides them with an online stage to acquire a public voice. While not providing things such as financial remedy or contributing to prosecution, even more than the spaces explored in Chapter Three, the "One of One" page gives victims/survivors control over their stories and allows to increase survivors' participation in shaping the public discourse concerning sexual violence.

Constituting solidarity through connective action

In the discussion that follows, I show how in addition to providing an informal form of justice, digital testimonies partake in creating *connective action* that *connects and resonates ideas and movements across space and time*. In doing so, *they constitute victims/survivors as agents of change* and provide the means for what Iris Marion Young (2011, 104–5) called a "social connection model" of justice where what is at stake is a forward-looking political solution to structural injustices by responsible citizens who act together through collective action. In other words, testimonial exchanges such as those on the "One of One" page provide individuals with ways to engage in public debates and organize in civil society to transform the processes that create unjust outcomes in new and innovative ways. Yet to fulfill their transformative

potential, testimonies could not be the end but must be followed, accompanied, and supplemented by other forms of political action through which individuals martialize projects impacting society at large.

To start, testimonies in civil society, and specifically digital tools, counter the solitary nature of the legal sphere and the past-looking model that legal justice incarnates. When a survivor decides to report to the police or use other formal channels to address the problem of sexual violence, more often than not, she stands alone in front of a complicated (and costly) mechanism that she needs to learn how to navigate. The witness stand in courtrooms is probably the most emblematic example of the solitary nature of giving testimony before the law. Furthermore, as Young (2011, 97–99) notes, the law is past-oriented since the goal is to establish a legal judgment (finding guilt) concerning a specific set of actions taking place in the past (establishing causality between action and harm) by specific agents and obtain sanction, punishment, compensation, or redress.

By contrast, social movements and other civil society platforms allow victims/survivors to stand together, share their experiences in a collective voice, and build a theory and plan of action based on their experiences. We saw this clearly in Chapter Three, where C-R groups and speak-outs during the 1970s brought (for the most part) strangers and bonded them through activities such as sharing personal testimonies and building a theory of rape where the victims/survivors and other women were in charge. As I argued there, testimonies in feminist spaces served as important

discursive, epistemic, and affective tools for constituting counterpublics whose goal was to challenge the patriarchal approach to sexual violence. Furthermore, I argued that these counterpublics were intimate yet, at the same time, political, and as such, they blurred the traditional division between the public and private domains.

Similarly, online campaigns via social media strive to give victims/survivors a stage where they can bond around mutual concerns and work together to create a change. Yet, while the general goal might be similar, given the specific characteristics of online platforms, digital testimonies make different bonds between the participants and constitute a distinct form of counterpublic. Specifically, digital testimonies produce *connective solidarity* and *connective publics* that are not necessarily collective in the traditional sense of (more or less) cohesive communities that assemble and mobilize to create a change, as we saw during the women's liberation movement in the 1970s. Instead, these communities cut across space and time and resonate ideas and movements by producing and reproducing, sharing and resharing, storing and searching content in a way that constantly extends the boundaries of what voices, persons, and issues count. Moreover, they constitute counterpublics that are not intimate in the same way as C-R groups were since they lack the important aspect of being present before one another, which allows women to feel each other and move toward action. However, these are or at least could still be affective in the sense of generating emotions and creating a *feeling* of community. This feeling, in turn, contributes to building solidarity

necessary for mobilizing strangers—albeit fragile solidarity that is at risk of depoliticization if not complemented by other forms of political action.

When looking at the testimonies published on the “One of One” page, the need to connect and be part of a larger network of women and empathetic others is explicitly expressed in the reasons that brought women to share their stories. In their reflection on why they decided to write and why now and here, some stated that they were inspired by other testimonies and that reading so many accounts of sexual violence and sexual harassment gave them the courage and the desire to contribute by sharing their story. In her testimony from April 2019, Daniel (testimony 2482) powerfully writes, “It took me a long time to decide whether I want to write this post or not. What convinced me at the end was a response that I saw on this page, “every testimony is important.” And I want to believe it is true. So, I write.” Similarly, before sharing four different accounts of sexual violence and harassment from different periods in her life, Lital (testimony 2355) writes, “After a long time that I am reading your stories, I decided to get the courage and try to deal with the demons that I buried a long time ago.” In these examples, the exposure to countless stories over the course of a long time encouraged survivors, who otherwise may remain passive readers, to participate, share their own testimony for the very first time, and contribute to what they saw as an important mission.

In creating this page, the administrators sought to empower victims/survivors to speak up and inspire women and allies to join the struggle against sexual violence. This

was also a central goal of many women who shared their testimonies through “One of One.” For instance, after sharing a painful experience of extremely violent rape by her boyfriend, Avital (testimony 1000) writes, “I am not just writing for the sake of it. I am writing so you understand that if a situation happens that you are not interested in, you need to stand your ground and if you say “no” so it’s no! You deserve much more.” Accordingly, many of these testimonies conclude with a direct call to other women and provide final “insights” or “lessons to be learned” that they wish others to take with them from reading the testimony. See, for example, the following two messages that the victims/survivors wish to convey to their virtual audiences.

“It is true that it’s hard to resist, walk away and scream. But don’t be silent, tell your parents, and if not to them, so to a close friend that you know can help... or other people.” (Avital, testimony 1000)

“Girls, be strong and stay safe, and for those who tell you to stop wearing provocative clothes because this makes us do it to you, screw them!” (Galia, testimony 156)

Raising awareness of broader audiences was another major reason why women opted to share their stories publicly, though not just anywhere but on a platform devoted to struggling against sexual violence and harassment. For instance, Dafi (testimony 229), who shared seven different stories, which she divided into severe and less severe incidents, concludes by explaining that she decided to share it “with you and you only because people need to know what women go through every day and start asking on what values our society is built that things like these become a norm. We are used to seeing things like this in the news when it’s far away from us, and usually, we see only

the extreme cases where it's done by foreigners or in third-world countries, but this happened here, and we all experience it, and you should know it.” This and other messages reach out to at least the ~40k members of the page. They also can (and did) exceed the boundaries of this specific group by posting and reposting on other online platforms and bringing it to the attention of the readers’ families and friends in offline domains.

Testimonies that are shared via Facebook, for example, do not reside solely on the platform where they have been originally posted, as they can also traverse to other online spaces and start offline conversations by those exposed to them. For instance, when I was a college student at Tel Aviv University in 2013, I remember how student organizations such as the Students’ Feminist Organization utilized the content on this page to spark conversations about sexual violence and sexual harassment on campus in events and art installations they organized. I also remember the vibrant discussions that we, the students, were having outside of the official classrooms about sexual violence following the exposure to the content on this page. This is one of the unique characteristics of this digital page and what made this group so effective. Its founders and organizers constantly used the content on this page and the advantages of the digital platform to mobilize a range of activities on the ground, from art installations to conferences, petitions, and street protests. Unlike hashtag campaigns like #MeToo, which lack this form of organizing, though very loose and non-hierarchical, “One of One” exhibits a clear effort to connect online and offline activities to achieve its goals.

Both in the case of hashtag campaigns and pages like “One of One,” the unique features of new technologies enable digital testimonies regarding sexual violence to reach out to and connect with larger audiences than, for instance, C-R groups and speak-outs that were constrained by the physical space and present time. Two features are especially important to mention in this regard: the *velocity* (the speed of online speech acts) and *extensity* (the way digital speech acts reach out to an unprecedented number of simultaneous addresses and destinations while traversing borders and jurisdictions) of online tools (Isin and Ruppert 2020). Together they allow us to convey a limitless stream of information at unprecedented speed across national, legal, social, and cultural boundaries that, while not guaranteed, present us with new ways of disseminating meanings and relating to one another. On online platforms, women can read through thousands of testimonies published in different locations and points in time. The testimonies and the responses are stored digitally and can be reached, read, and reproduced at any point with more ease and immediacy.

Studying the success of #MeToo, Mendes, Ringrose, and Keller (2018) point to the ways this movement utilized the benefits of the virtual sphere to transgress “material, geographical, and political borders” in order to create networks of solidarity and global reach. Similarly, testimonies on the “One of One” page resonate ideas and experiences shared by women across the country and in different periods as well as import new concepts and ideas from other contexts. We saw an example of this in the previous section in a testimony that used the hashtag #MeToo and directly spoke to the

way it broke the cycle of silence in Israel on a new scale. There were many other testimonies published after October 2017 that used this hashtag as a way to connect what happens to women in Israel with patterns around the world.

In addition to creating connections among women (victims/survivors and witnesses), the “One of One” page put as one of its main goals the outreach to men (a goal that wasn’t prominent in the 1970s). Based on the responses by some of the men and a few testimonies, it seems like the page had some success in building a coalition with men. While by no means equally engaged as girls and women, some men participated in the discourse that evolved on the page by using reaction functions and writing supportive comments. For instance, Niv Hadary writes the following empathetic comment to Vered’s testimony regarding several incidents of sexual violence by different men. “I don’t know what to say... just to be sorry for the behavior of those men who didn’t learn how to restrain themselves. I felt what you wrote. If I didn’t share the same sex with them and you weren’t afraid of me, I would offer a hug... alongside fear and vulnerability, there is also power, I hope you could feel it.” Some may question what value this comment has as it doesn’t take much for Niv to write it, nor does it demand anything concrete from him. This may be true, but it signals a possible shift in the perception of sexual violence and the very willingness to engage in conversations and learn and support victims/survivors instead of justifying, blaming, or ignoring them. For too long, men were either actively or passively contributing to a misogynist culture where sexual violence thrives. Hence, while not enough, connecting

with survivors, sharing empathy, and providing words of support is a welcoming and necessary step in coalition building against such a culture.

Furthermore, there are a few testimonies where men shared their experiences and explicitly stated that they write as allies in the struggle. For example, Omri Hayn (testimony 1132) referred to a case involving a famous singer (using his name, which is very unusual on this page) alleged to assist in assaulting underage girls and wrote how he could understand their pain as someone who experienced a sexual assault at the age of 14. He ends his testimony with the following message of solidarity: “Young girls, I am willing to get the fire from the public and the suspects [referring to the singer and others involved]. I fight for you as well. I know what you’ve been through. I don’t write this for you or for you to share. Fuck you, Eyal Golan [the name of the singer]. I wrote this for the young girls and boys.” This post had very concrete legal consequences for Hayn, who was sued by the singer for defamation, demanding a compensation of 300k Shekels (equivalent to ~80k USD) (Aberbah 2013).

Yet, even if they decide not to write a comment on someone else’s testimony or share their own story, it doesn’t mean that male members of the page were not affected by reading the testimonies. As Doron Haviv’s comment on the closure of the page shows, it greatly influenced his worldview. “I said it from the very first moment, this is the most important page that was opened on Facebook. I thank you for your efforts, and I have to admit that even though the experience of reading the testimonies wasn’t easy for me, this page made a real change in my life and for the best.” This testimony

confirms Flood's (2019, 287) findings concerning the impact of #MeToo on men and the hypothesis that similar trends are happening in Israel. According to Flood's study, the #MeToo movement promoted greater awareness of sexism and gender inequalities among men in the U.S., as well as other "signs of a shift in social norms in terms of what behaviors are perceived as acceptable or unacceptable." Again, this is not enough to end sexual violence, but it is essential for creating a change.

What the discussion so far reveals is how individual acts of posting, reacting, responding, and other modes of online engagement with testimonies become part of a bigger story that connects victims/survivors and between them and their allies. Pages like "One of One" create networked publics where individuals connect around shared concerns and feel solidarity with one another, even if most of them won't ever meet in person. Therefore, while we may not be talking about collective action in the traditional sense—i.e., online participants do not pose a unified identity, clear organization, distinguished leadership, well-articulated program of action, or other attributes of collective action—digital testimonies still constitute a *group* that consciously struggles against oppression. Surely, the impact each group has varies based on the specific circumstances of its activity. In the case of "One of One," the page provided many opportunities to engage with one another both online and offline and was always more than a platform for sharing stories. According to Young (1994), groups rise from and often fall back into less organized and less self-conscious collective unity that she calls a series. The latter concerns material social facts like gender, race, and class that work

in the background as conditions of one's realm of possibilities. By bringing the background conditions of gender oppression to the front and struggling together through different activities against the ways in which these allow and justify sexual violence, victims/survivors who testify on "One of One" constitute women as a social group while generating a feeling of community and inspiring connective solidarity.

Hence, I agree that "doing politics—doing feminism—in digital media is not just about generating and circulating content, messages, images, bits, data, and metadata. It is [...] about social processes of community formation and transformation of subjectivity, enabled by digital media practices" (Fotopoulou 2016, 15). Studying different usages of digital tools, various scholars note how acts of sharing, reacting, and reposting on different digital platforms forge a feeling of community (Keller, Mendes, and Ringrose 2016, 25; Papacharissi 2016, 311; Vromen 2017, 69). They show how exchanges via social media and "metavocing" (i.e., echoing and adding to different stories by reacting and shaping diverse narratives) of shared lived experiences bond loosely connected individuals into *affective* networked publics by creating connections that are also, and sometimes primarily, emotional (Lokot 2018; Vromen 2017).

As we saw in the previous chapter, testimonies given within spaces such as C-R groups during the 1970s had important affective dimensions of sharing and circulating feelings as well as bonding the participants in affective solidarity. So, it is not that affect is a new addition to the digital forms of testimony, but it is manifested differently in spaces without the physicality of our bodies, the visibility of our facial expressions, or

the audibility of our (shivering, emboldened, or raged) voices. These absences might lead one to question the role affect plays in digital testimonial exchanges altogether. One may wonder how strangers who might not have anything else in common but the shared concern for sexual violence and who don't see or feel the presence of each other can circulate affects? Indeed, it is hard to imagine that the intensity of these disembodied exchanges can match the waves of feelings bonding victims/survivors in more contained spaces of intimacy and safety like C-R.

Yet, as Papacharissi (2016, 208) argues, engagement through social media is primarily affective as digital tools invite “effective attunement, support affective investment, and propagate affectively charged expression.” Thanks to elements such as intensity, rhythmicity, and potentiality, social media facilitate feelings of engagement, activate and sustain latent ties that could be used for mobilization, activate and sustain feelings of belonging and solidarity, and even if not producing communities, they produce a ‘feeling of community’ (310-311). These aspects are evident in the case of “One of One.” Many of the comments to the digital testimonies I analyzed express a whole range of emotions that these testimonies brought to the readers and how they bonded between them and the writers. For instance, commenting on Martha’s testimony of seven different incidents of rape and sexual assault, Noi Malaka wrote, “I am crying. I am so sorry to hear what you went through in your short life. I am praying for you.” Adi Agasi Sharfi also shared how shocked she was by reading it when she said, “Martha, you killed me [common slang in Hebrew], I am shaking and feeling so

shocked that so many horrible people exist among us.” Similarly, readers expressed deep sorrow in Shirley’s testimony about child abuse that she experienced by her teacher; they wrote comments like “my heart breaks,” “it’s scary, painful, outraging,” “I want to cry and also hug you,” and “every word hurts more than the one that preceded it.” Hence, even though we are talking about strangers who do not know or see each other, they nevertheless feel for one another.

Moreover, the participants on the Facebook page feel part of a community of victims/survivors and allies and feel empowered to speak out and *do* something against sexual violence as a group. Lilia Rosenfeld commented on one of the early testimonies published in June 2103, “It’s still unclear to me.... Why don’t we share with one another? Why don’t we scream? Why do we feel so lonely when it happens to us, even when it’s not the first time”? The thousands of testimonies and comments that follow this post address precisely this problem of *feeling* alone by providing an avenue where strangers can bond across space and time, feel their way into the bigger issue of sexual violence, and act on urgent problems raised by feminists’ ideology a long time ago. So, it is true that we don’t necessarily have a coherent group that meets in a specific space at regular intervals to organize collective action, as we saw during the anti-rape movement. Nonetheless, it is a group in Young’s terms if and when it comes together with solidarity and materializes projects aimed at social transformation. Testimonies that stand at the center of this chapter do both: they create connective solidarity among

the participants and encourage them to take part in different forms of action to end sexual violence, such as raising awareness, marching, and protesting.

Notably, this form of *connective* solidarity reflects a shift in the feminist agenda and women's activism more broadly. As noted by Snyder (2008, 186), what distinguishes contemporary feminism from the second wave is the abandoning of the idea of creating major social movements and instead understanding individual acts as political. Accordingly, she argues that recent feminist political actions take the form of coalition building and not some sort of unified and coherent collective. While I am not sure that online initiatives such as the "One of One" page do not fit the definition of social movement,⁸⁷ though maybe a new version of it, I agree that they do exhibit a different modality of collectivity that has less to do with unity (of experience, the identity of a woman as a social category, or the message) and more with connectivity (built on shareability, reciprocity, and responsiveness among engaged members discussing a given topic.)

In fact, this shift from collective to connective action reflects more general trends in contemporary political engagement. Vronmen (2017, 25, 58) stresses the increasing importance of communication-oriented actions, including culture jamming and popular

⁸⁷ While there are different ways to approach and define the phenomenon of social movements, if we take Michael McCann's (2006) prominent theory of law and social movement, it would be hard to eliminate feminist digital campaigns from this phenomenon. McCann understands social movements as groups that are formed from non-elitist constituents who identify with broad social struggles of a particular type while applying different tactics such as strikes, protests, and alike. For a review of major definitional trends in the field of social movements, see (Roggeband and Klandermans 2010), and specifically for how the discipline of Political Science approaches this phenomenon, see (Meyer and Lupu 2010).

culture campaigns, and the importance of the symbolic uses of social media to express political viewpoints.⁸⁸ Specifically, according to Vronmen, with the rise of new technologies, there is a shift away “from traditional mobilising social cleavages such as class, and organisations such as unions, and the development of issue-driven politics, underpinned by more ad hoc campaigning with a variety of targets” (10). In other words, politics moves from representative politics and institutions such as parties to “sub-political” places like Facebook, where citizens set agenda on issues that matter to them and share political information (24, 54). This kind of politics is both individual in the sense that citizens “use social media individually—that is, they do not need to go to a collective venue or arena to go online,” and collective because citizens “introduce a new form of *everyday individualized collective action* through networking and sharing elements of the social media” (55; italics added).

Accordingly, the idea of connective action further problematizes the distinction between the private and the public domains. Unlike the speak-outs in the 1970s, where women left their homes and met with others in a public arena like the church or even C-R groups that rotated between different apartments and community locations, in the case of digital testimonies, women and others connect with each other from anywhere. This could be from the privacy of their home and from their workplace or any other domain with a connection to the web. Without putting their physical bodies on the line

⁸⁸ Vronmen builds here on the work of Dietlind Stolle and Michele Micheletti (2013), who study the phenomenon of political consumerism and how consumers practice citizenship, become political actors, and create effective mechanisms for global change.

to be seen, judged, and used against them, social media provides victims/survivors access to political participation and new ways to set agendas on issues that deeply impact them.

Yet, of course, the very nature of the web is such that it makes privacy a rather questionable matter with widespread practices like surveillance and consumer targeting. Additionally, the online sphere lacks the safety that women had when they met in person in spaces like the C-R groups. Even within pages dedicated to the feminist agenda, trolling and hostility by people who don't share the same values are prevalent. Moreover, while the architecture of the web blurs the lines between the private and the public on a whole new level, it does so in ways that do not necessarily contribute to dismantling the problems related to gender, race, and class that underpin and sustain the distinction between the private and the public domains. Therefore, some scholars and critics reject the use of digital tools and social media campaigns for feminists' goals. As mentioned in the introduction, critics like Jodi Dean (2007) and Michael Salter (2019) argue that digital platforms undermine political efficacy, conceal economic disparities, and lead to the depoliticization and deradicalization of democracy. Even Vromen (2017, 64), who is more optimistic about the democratic promise of digital tools, warns us that an easier engagement in politics should not be understood as independently leading to equality and change.

Nevertheless, this doesn't mean we should reject these tools when struggling against sexual violence. As noted by Vromen (2017), there are still many advantages to

these tools, such as scaling up issues more quickly, creating bridges between different issues, and building up adapting protest repertoires (67). In fact, I argue that many of the disadvantages of digital testimonies are, at the same time, their advantages. For example, the fact that online testimonies are not contained in one physical space is what allows them to cross legal and cultural borders, resonate ideas across time, and reach readers all around the globe. Yet, these advantages also entail risks, such as being vulnerable to attacks by hostile readers. You lose some level of safety to gain other things such as extensity and velocity. The levels of freedom concerning how to share your story on digital platforms also exceed the freedom present in traditional C-R. This is especially true concerning the question of how you present yourself and the fact that online there is no one who “guides” your testimony because even in C-R, there were rules that testimonies needed to follow. However, without any guidelines, it is hard to get to the critical stage of synthesis and utilize testimonies for theory building. Lastly, concerning the affective dimensions, while creating a feeling of community and allowing more voices to be part of it, this connective community is less intimate, with fewer stakes, harder to mobilize, and constitutes more fragile solidarity.

Regarding their political efficacy, in particular, it is true that testimonies performed on digital platforms are complicit with some of the systems of oppression against which these testimonies speak. Yet, I argue they can still have a political value of making connections, building solidarity, and empowering people to take other forms of political action. As the analyses in this chapter have shown so far, using digital platforms to

share testimonies was conducive to achieving different justice needs, connecting different stories and voices across time and space, as well as influencing movements from disparate political, legal, and cultural contexts. Women inspired each other, left messages for each other, shared information and insights, and empowered others to speak up and get involved in the work against sexual violence.

Furthermore, as mentioned, the “One of One” page used this platform to invite its readers to participate in offline protests, conferences, and other activities aimed to complement and utilize digital testimonies in other domains of civil society to impact broader change. While publishing testimonies was the main activity on the “One of One” page, these testimonies were accompanied by (and sometimes put in conversation with) other materials, such as news articles and information about sexual violence, resources for survivors, interviews and visuals with feminists’ messages, photos and encouraging images sent by users, and quotes women shared about how people responded to their disclosures. Additionally, the administrators participated in offline activism and used the page to call others to join; for instance, they organized a conference in 2015 to raise awareness of different ways to make a complaint, organized and participated in protests like the one in front of the general attorney office in 2013 as a response to a closing of the case against the journalist Emanuel Rosen, created a project for sharing tool kits for victims/survivors that come to the hospital after sexual assault and sent multiple official letters to different governmental entities against their policies and regulations.

Hence, like in the case of C-R groups and speak-outs during the 1970s, the “One of One” Facebook page shows that sharing digital testimonies is only one, though critical, step in the bigger movement against sexual violence and harassment. Unlike what some critics argue, sharing testimony on pages like “One of One” does not have to be an end in and of itself. Instead, these testimonies generate solidarity and a feeling of community. Moreover, and as the case “One of One” demonstrates, these two functions do not exhaust the democratic capacities of testimonies since digital testimonies could also be used in support of pushing other forms of protest, political action, and even legal action. The anonymous stories published on this page played an essential part in instigating a movement against prominent public figures that seemed to have a history of sexual violence and harassment, such as the businessman and nightclub owner Alon Kastielk, the actor Moshe Ivgy, and the politician Silvan Shalom.⁸⁹ While the testimonies themselves engaged with an alternative form of justice more than with formal processes, they nevertheless had a broader impact on the state too. In her reflection on the achievements of “the MeToo revolution,” one of the founders of the “One of One” page Yael Sharer writes, “It won’t be true to say that nothing had changed in the way the state treats victims/survivors of sexual violence. Laws were passed, new regulations were published, and new budgets were approved. But these things happened despite the state, not because of it. They happened thanks to

⁸⁹ In all of these cases, official complaints were filed after intensive media exposure and intervention by several women’s organizations that followed the anonymous testimonies and activism started on social media (Hovel 2019; Magnezi 2014; Mannit 2021).

public support and outcry” (Sherar 2022).⁹⁰ This support couldn’t happen without the increased participation of women and other victims/survivors in shaping the conversations and actions around the issue of sexual violence.

So, while deactivation and depoliticization are real threats to solidarity forged via social media, the work done on the “One of One” page confirms arguments that see digital tools as “sites of ambivalence” (Baer 2016) that can operate modes of resistance all the while performing on platforms that are orchestrated by capitalist interests. Despite important shortcomings and troubling phenomena like data surveillance and trolling, this and other contemporary studies show that social media, as tools for women's storytelling and sharing personal experiences about sexual abuse, can promote feminist activism and awareness and point to the rise of new protest culture (see, for example, Keller, Mendes, and Ringrose 2016; Lokot 2018; Mendes, Ringrose, and Keller 2018; Roth-Cohen 2021). Like #MeToo in the U.S. and in other countries around the world, the case of “One of One” shows how digital tools can prompt resistance by making gender oppression visible on a global level, allowing new modes of feminist protest, and connecting protests across borders (Baer 2016).⁹¹ Yet again, we talk about

⁹⁰ Scholars studying the impact of #MeToo in the context of the U.S. also note changes, such as the creation of new regulations in different industries and new training against sexual harassment, see, for example, (Hillstrom 2019, chap. 3). Furthermore, on the federal level, it produced the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021. On the state level, between 2017 and 2021, states introduced 2,324 #MeToo-related bills and passed 286, most of which focused on sexual harassment (Williams 2022.)

⁹¹ Arguably, hashtag campaigns don’t hold the same political capacities as Facebook pages like “One of One” since they are even less organized, contained, or channeled towards specific activities. While this is true, it would be a mistake to discount their contribution to social change as they do provoke conversations and action on the ground, as the mess women’s protests against Donald Trump in 2016 demonstrate.

potential and not necessity. To fulfill this, we need to orient these initiatives and the use of testimonies toward future activities and work both online and on the grounds to materialize the change we are striving for. As Young's "social connection model" makes clear, we need to look forward and engage in political action based on solidarity, which is a constant project of renewal. "Rather than take existing social structures and relations as what they are, as given, take them as possibilities—perhaps things can be improved. This active stance opens to a future that can be made but is risky and uncertain" (Young 2011, 120).

At the margins: the failure to attend to multiple systems of oppression

One of the key dangers standing in the way of testimonies to becoming effective democratic tools is marginalizing and homogenizing the counterpublics they produce. The affordances of digital tools are such that they expand the boundaries of what we hear and see in these new political domains. They allow us to traverse legal, temporal, special, and cultural borders with more ease and immediacy than ever. While any published material could reach unexpected destinations, in the case of digital content, we lose control over the content in even more radical ways as any content we share is stored and opened to infinite others who, by a few clicks, could reach it, read it, and reuse it. Yet, this doesn't mean that digital tools are free from biases or necessarily prone to egalitarian politics.

Not all women were equally heard in the anti-rape movement. Likewise, not all voices and stories found their way to the digital sexual violence and harassment

activism. As we saw in Chapter Three, one of the main shortcomings of the anti-rape movement during the 1970s was its insufficient attendance to the ways in which multiple systems of oppression underpin the problem of sexual violence. Focusing primarily on the category of sex to explain sexual violence and on middle-class white women's experiences to understand the causes, impacts, and ways to address this issue meant excluding other histories of racism, ableism, or heteronormality, as well as voices that have more complicated stories to tell. This problem continues to haunt contemporary feminist activism, including activism occurring in the digital sphere. Although today we are more aware of the importance of intersectionality when dealing with issues such as sexual violence, and though many women's and feminist organizations work hard to dismantle multiple systems of oppression, marginalization and exclusions are still prominent issues.

This is one of the main lines of critique of #MeToo. While many celebrated the success of #MeToo testimonies to put sexual violence and harassment on a global agenda and foreground at the center stories about experiences in workplaces and communities we rarely hear or see in traditional mass media, others highlighted the voices of those who have been excluded from or marginalized within the movement, such as black and indigenous women, non-western low-paid workers, and members of the LGBTQ Community (Ison 2019; Kagal, Cowan, and Jawad 2019; Ryan 2019). The critics contest the view according to which the digital sphere and activities (such as testimonies) performed through its channels are supporting voices associated with

marginalized discourses or allow pluralization of the public sphere (see, for example, Dean 2007). Instead, they argue that the digital sphere reproduces the inequalities common in other domains of social life and erasures we saw in other usages of testimonies against sexual violence.

Given the versatility of #MeToo, I am less convinced that we can draw such a generalization and argue for the movement's failure to support diverse voices. It is true that celebrities and elites were most vocal and drew a lot of attention. However, from the beginning, #MeToo was a decentralized movement, and its transnationalism created opportunities to advance local feminist agendas in different parts of the world. Thus, there was/is more than one #MeToo that belongs to white celebrity women. As the case of Argentina, for instance, shows, "#MeToo was 'imported' in a way, but was quickly adapted to reflect the priorities of the local agenda" (Garibotti and Hopp 2019, 188).

In general, I assert that the context within which the online testimonies are given matters since online movements are heterogeneous and work differently in diverse geopolitical spaces. "Different cultural contexts give rise to experiencing, and then narrating, those experiences in diverse ways; the consequent mobilization of women against sexual harassment, therefore, also takes on many different forms" (V. Chandra 2021, 178). This doesn't mean that we cannot learn important lessons from other places, but we need to be aware of the specificity of each case when talking about exclusion and marginalization.

In the case of Israel, the testimonies that I analyzed show a concern with structural issues and the ways in which the state is failing victims/survivors of sexual violence. We also hear from a relatively diverse pool of users, including women and men, secular and religious survivors, people of different ages, and from different parts of the country (big cities, small towns, and Kibbutzim.) However, the engagement with the structural and systemic dimensions of sexual violence is limited to the legal failure to treat victims/survivors with dignity, and sex is still the main category through which both the administrators and the users approach the issue of sexual violence. Thus, what is at the margins of the statistics (for example, assaults by women) remains underrepresented on this page. Similarly, we barely hear voices that shed light on how the Israeli occupation, a culture of militarism, xenophobia, and nationalism are all playing a big part in creating the conditions of violence and how this manifests itself for different groups. It is sufficient to say that in the sample that I analyzed, there is no one testimony by or that speaks directly to the experiences of Arab Israelis or Palestinians. Without challenging *all* systems of oppression and going to the roots of what enables gender-based violence, we cannot expect to end sexual violence or move significantly toward more egalitarian democracy.

To elaborate, we saw in the analysis of the first theme that many testimonies and comments on the “One of One” page criticize the legal system and the complicity of the state in the perpetuation of sexual violence. In this sense, the shift that the anti-rape movement had started—from seeing sexual violence as a private problem to identifying

it as a political issue—has been successfully adopted by contemporary victims/survivors and their allies in Israel. But while victims/survivors attend to the structural issues underlining sexual violence, their structural analysis did not move much forward from focusing on gender and sex. Efrat Magal’s concluding sentence to her testimony from June 2013 reflects this limitation very well. She writes,

This happens to all of us, all the time. This has nothing to do with how we did or did not react—this has to do with the screwed-up social structure that made it happen in the first place. That made men believe that they can touch, they can “take,” and made women believe that they don’t have the right to resist, or that it’s somehow their fault.

This statement opened a conversation in the comments to the testimony (see a portion from the conversation below), in which many men were vocal, and though there were some disagreements, no one questioned the main insight that what we have here is a problem suffered by (all) women and caused by (many) men—a controversial and limited insight contemporary Israeli feminists inherited from activists like Susan Brownmiller.

Yotam Shavah: I am not sure, but I think that it is just a way of chauvinism to oppress more women. Not just as individuals but as a group, to break the effort to bring equality.

Benyamin Shaoham: Afrat, you are wrong, what instigates these things is not the social order. On the contrary, sexual harassment and rape are caused because of people’s animalistic instincts, and when society progresses, this phenomenon also starts to disappear. In the past, that was the rule, then it was common, and as we (as humanity) and the discourse around this issue progress, the phenomenon also disappears...⁹²

⁹² Note this kind of comment that puts the blame on human nature is the exception in this and other exchanges I read.

Netta Sapagu: social order, pornography, rape culture—unfortunately, almost one out of one [men] is doing this or did this without understanding how badly they hurt others.

Nadav Gordon: these “shitholes” did not come out of nowhere, and they are not Satan’s messengers. There are norms in our society that produce them again and again, and we need to stop them. So, thank you for your refusal to be silent. You bring me hope for a better world with fewer shitholes.

As the exchange above shows, the problem of sexual violence is understood primarily and often solely through the lens of gender, and we hear the same set of arguments we already encountered in the analyses provided by the anti-rape activists. One implication of this is the neglect of forms of sexual violence that are at “the margins of the statistics,” like harmful behaviors by women. In a rare testimony, Noam (testimony 2493) shares three different occasions where he was harassed by women. The harassment ranged from inappropriate comments concerning his gender expression to unwanted sexual advances. In the latter cases, he made it very clear that the advances were unwanted; “When we were in a pub, and she wanted to kiss me, I told her that I am not interested and moved away.” Yet not only did she not respect his refusal, but he was also attacked for “daring” to reject her. “She continued to try several times, and I continued to reject her, but in the end, she forcefully held my face and gave me a kiss on the lips. I flinched and pushed her away; she said what a “moron” and left. Everyone around looked at me strangely, and later her friends came to threaten me, saying who am I to refuse this girl and that I deserve to be punched.”

While the testimony communicates how inconceivable Noam's refusal was and how it led to additional violence against him, the responses to his testimony on the page were overwhelmingly supportive. With the exception of one user, people wrote empathetic messages such as: "very important to bring the voices of men. For many more (voices, not harassments)," "you are amazing and brave, thank you for giving a legitimation to talk about these silenced things. It's not your fault, and you are not the "moron," but they are," "This topic doesn't get enough exposure so thank you for sharing!!! For some reason, there is no social understanding that men are not sex machines," "This topic is a taboo, so thank you for the openness and sharing it." Therefore, while still underrepresented and misunderstood by many people, on this page, there was a general appreciation for Noam breaking the silence around this topic.

Similarly, in another very rare testimony, Sigal (testimony 2489) shares how she was sexually abused by her mother as a child and the difficulty of experiencing something that is so inconceivable to most people because it's not as common statistically. "How do you think it feels to be at the margins of the statistics? To be a part of the phenomenon but not really. To feel all the evil of this world and live with the damage every day but being the side that no one talks about?" She shares the surprise, disbelief, and inappropriate responses she received from a gynecologist when she disclosed what happened to her. She concludes the testimony by regretting ever being honest with the doctor. "It was my fault, I

shouldn't have corrected her, I shouldn't have answered her questions as I know today how to protect myself. I shouldn't have gone to the clinic in the first place, as I know that these are the responses to my story. Blame and shame. Paralysis, pain, and horrible loneliness. At the margins of the statistics." Like in Noam's case, the comments by readers on the "One of One" page were very supportive, with users thanking her for sharing an experience that people do not talk about. For instance, Ayelet Ben-Nahum writes, "Thank you from the bottom of the heart for this important sharing. Thanks to your courage, we hear the repressed voices of all those harmed by their mothers. All those harmed by women." Readers respond to her feelings of loneliness by giving her the comfort of a community. For instance, Shaher Musman writes, "I am crying. All of us, the survivors, are family... even if we didn't choose to. But we are here for each other, and you are definitely part of this family."

As the examples of Noam and Sigal's testimonies show, less common experiences of sexual violence tend to remain silenced and misunderstood, leaving the victims/survivors feeling even more isolated. Yet, the responses to these testimonies on this page also show the possibility of connection, empathy, and solidarity through practices of "peer-to-peer witnessing" in a space dedicated to struggling against sexual violence. Unlike the hostility, disbelief, and other negative reactions the victims/survivors experienced in offline spaces, the "One of One" page offered comfort, validation, and support.

However, the “tolerance” of the readers on this page has its limitations when it comes to challenging the state of Israel. In a few testimonies where victims/survivors tried to bring attention to systemic problems cornering things such as Israeli racism, nationalism, or other issues that undermine the story many patriotic Israelis tell themselves, the responses were unusually hostile.

One very telling example is the response to Ella Levin’s testimony (published on June 26, 2013). She shared the story of her mother, who, like many other immigrants, especially women, who came to Israel during the 1990s from former Soviet Union countries, struggled to make a living and was taken advantage of by men who were in a position of power in the workforce. “The perverts understood quickly what “tempts” Russian women. Jobs! They are looking for a job!” and to get one or to receive better conditions, they were forced to agree to all kinds of inappropriate offers. She concludes the testimony by making clear that this is not a problem caused by individual men but a systemic failure of the state of Israel to promote a comprehensive program for immigrants. “I will never forget or forgive the state of Israel for abandoning the new Olim [Jewish immigrants], for not providing them with the conditions to live with minimal dignity, and for preventing them from immigrating to other countries.” When the state of Israel is attacked for being exclusionary and discriminatory, the patriotic and nationalistic senses of the readers take over any feeling of empathy and solidarity.

For instance, Elad Asulin wrote several very hostile responses defending the state of Israel and attacking Ella. “Great, Ella, so you just ran away from your country because it was so bad there, so I guess Israel was not that bad after all, just stop complaining [...] what did you want us to do, to through money on you when you got out of the airplane or your house?” or Mona Nir Gilad who writes that she is very annoyed by this testimony, a comment that I did not see in any other testimonies. Anat Galili-Blum’s response summarizes the point well when she says, “Your arguments against men are legitimate- but native Israeli women have been suffering from men. They are more conservative than many Russian women, and yes, maybe some Israeli men did not understand their messages correctly, but from here to blame the state of Israel, there is a long way. Be careful with your words, and shame on you.” Such hostility is the exception on this page, and no other testimony from the sample I read had brought it out. I hypothesize this is because other stories present a more acceptable argument against the sexist or chauvinistic nature of men and the more common critique of the law’s failure to respond to sexual violence without pointing to other core problems of the state of Israel.

Initiatives such as the “One of One” page and the influences of #MeToo on the Israeli discourse concerning sexual violence brought a bigger awareness of the magnitude of this problem when it comes to girls and women and may even open up a space to think about more diverse experiences that include men and boys as

victims and women as perpetrators. This confirms Roth-Cohen's (2021) insight. Analyzing the influence of #MeToo on Israeli feminism, she finds that despite the Israeli culture of collectivism that fosters militarism and nationalism, there is an emergence of the ethos of individualism that helps to create networks of critique, support, and solidarity against the dominant patriarchal attitudes. However, the discussion of Ella's testimony complicates this optimistic view. When it comes to voices that challenge the values upon which the Israeli society is built and go beyond the analysis of gender, the cultural underpinning of nationalism, racism, militarism, and other oppressive frameworks prevail. Thus, unsurprisingly, we do not hear from Palestinian women and the violence they undergo by Israeli men and Israeli soldiers in particular. We don't hear from groups whose stories would shed light on the multiple systems of oppression operating in and by the state of Israel and contribute to a culture where violence, including sexual violence, is common.

Therefore, while stories by men and those that foreground less acknowledged experiences of sexual violence are important and give some hope for a more comprehensive approach to the problem of sexual violence, without attending to the entirety of the matrix of oppression that produced and reproduced precarious conditions for the most vulnerable groups, the story and the success of "One of One" and similar initiatives would remain rather partial. We cannot end sexual violence as a phenomenon if we do not listen to and understand the specific conditions of those who are both at the highest risk of being violated and with the

least resources to appeal to the law or be taken seriously by it. Thus, digital tools cannot fulfill their democratic capacities if those who need alternative spaces of justice the most can't find their voice on its various platforms.

IV. Conclusion

As feminist activism has expanded to the digital arena, online campaigns against sexual violence have become central ways to struggle against gender-based violence. At the heart of these campaigns, we find acts of sharing very personal testimonies of trauma, violence, humiliation, discrimination, and other aspects of sexual violence. Like the C-R groups and speak-out events before them, the digital arenas constitute counterpublics aimed at challenging and transforming harmful practices against victims/survivors of sexual violence. While exhibiting some continuity with the efforts made by second-wave feminists, the digital forms of testimony also provide us with new possibilities as well as new limitations. Hence, the main question guiding this chapter was what is new about online testimonies and what political role they play in the contemporary struggle against sexual violence.

To address this question, I examined testimonies published on the “One of One” Facebook page. The analyses of the case study foregrounded three main insights. First, digital testimonies by victims/survivors and the responses to them engage with and express disappointment with the legal system, but they do not call for an improvement of the legal standards or to increase reporting or conviction rates. Instead, the focus is on increasing women's agency by addressing justice needs such as participation, voice,

and validation. Secondly, through acts of posting, reposting, liking, and commenting, digital tools such as the Facebook page “One of One” provide the conditions for connective solidarity unbound by space and temporality. Lastly, the analysis shows that while being concerned with systemic issues of sex and gender discrimination and how they perpetuate sexual violence, like in earlier usages of testimonies, here, too, there is either indifference or even hostility towards stories that expose other forms of oppression and how they contribute to fostering norms and practices of violence.

The last insight may support arguments against the use of digital tools for social change and bolster critiques of the inegalitarian landscape of the Internet. I do not mean to undermine the underlying problems of the platforms where the digital testimonies are given or the way they reproduce inequalities and marginalization. Yet, as the analysis here showed, these testimonies also include politically valuable qualities that we should push for and support. The Israeli case demonstrates that digital testimonies promote an informal form of justice, provide opportunities to connect with numerous strangers who share similar concerns across time and space, promote a “feeling of a community” in what otherwise might be experienced as a very isolating and lonely experience, support and call for engaging in political protest, and give space and validation to less discussed topics (such as assault by women or more complicated cases of sexual violence). Hence, this case invites us to reconsider digital testimonies as sites of ambivalence that include different potentialities.

On the one hand, these testimonies perform on platforms that are complicit in and contribute to antidemocratic practices such as surveillance, control, marginalization, and economic exploitation. On the other hand, they also expose some of the core issues of our time and partake in creating some of the conditions necessary for social transformation. Hence, contrary to Dean's and Salter's rejection of digital tools due to the neoliberal nature of digital platforms, we may want to support digital testimonies for their (potentially) vital role in combating "the neoliberal reduction of the political to the personal by making visible the universalizing tendencies of feminist strategies that occlude difference; by drawing attention to the relationship of personal experiences to structural inequalities; and by highlighting the ongoing precarity of individual female bodies in public spaces" (Baer 2016, 29) as well as other interventions that the case of "One of One" illuminated.

5. Conclusion: theorizing civic testimony to violence and injustice as a democratic tool

I. Using civic testimonies to expand, reimagine, and radicalize democracy

The goal of this chapter is to zoom out beyond the specifics of testimony to sexual violence in order to discuss the democratic potentials of civic testimony more broadly. While the dissertation focused on women's uses of testimonies in the context of sexual violence, this chapter seeks to theorize the political value of the practice of civic testimony from the standpoint of those who went through and are struggling against other forms of violence and injustices. As part of that, this chapter addresses the questions of what role civic testimony can play in politics when free from legal constraints, what impact it can have on inegalitarian practices such as those prevalent within the American criminal system, and what are some of the limitations that we must be aware of when using this tool in our struggles against violence and injustices?

In liberal democracies, the legal sphere is one of the prime avenues for addressing specific wrongs, claiming rights, and enacting one's agency as a citizen. According to legal liberalism—a normative approach informing the relationship between politics and legal institutions in liberal democracies—the formal law and its manifestation in practice are critical instruments for individuals and groups who seek to achieve remedies for injuries and expose injustices, and, according to some scholars, the law also helps to affect broader social and political changes. Consequently, in the modern era, we came to identify the practice of testimony (to harms such as sexual violence) most closely with the legal arena. However, as we saw in Chapter Two, for women

victims/survivors of sexual violence, giving testimony before the law often entails a legal defeat and further victimization.

Therefore, women and others often use alternative channels in addition to or instead of the law to voice their experiences. Increasingly, we witness how extra-legal testimonies reach diverse audiences through arts, popular culture, social movements, social media, and other domains of civil society to achieve goals not addressed by the law, such as therapeutic relief, social recognition, political change, and culture shift. In Chapters Three and Four, I showed how testimonies were used in the context of the anti-rape movement in the U.S. and contemporary online activism in Israel. These analyses supported critiques of the law for its inadequate response to women's voices and the need to rethink how we approach testimonies to the harms of sexual violence. They also illuminated the different ethical and political implications of testimonies performed in domains of civil society, such as providing justice choices and producing counterpublics to dominant scripts of rape culture.

Taken together, this study turns a spotlight on civil society as the site with the greatest potential for testimonies to operate as democratic tools that can fuel social change. While each chapter illustrated some of the democratic capacities that testimonies carry, in this concluding discussion, I clarify how testimonies can be used to advance the goals of radical democracy and achieve a more egalitarian society. As I argued throughout the dissertation, what is at stake in testimonial situations, like in the case of victims/survivors of sexual violence, is not only addressing individuals' needs

or responding to the problem of sexual violence but also the strength of our democratic society more broadly. Hence, in what follows, *I argue that in addition to providing victims/survivors with justice choices and addressing other needs, civic testimonies are vital for radicalizing civil society. As such, they are essential for reducing domination and violence, and for promoting a more just and egalitarian democracy.*

Specifically, testimonies radicalize civil society by constituting vibrant counterpublics that challenge both the formal sphere and cultural norms and understandings that justify the harm to marginalized groups. They also show a way out of the dichotomy between the private and public spheres. Historically, this dichotomy excluded women and others associated with the body and emotions, traits that ostensibly belong to the private sphere. Thus, disassociating this excluding logic from public participation and reimagining political communities that are not built on this binary is one of the chief goals for feminists and egalitarians. Lastly, testimonies inspire solidarity and action through an affective investment that, at least sometimes, traverses legal, cultural, and physical borders.

In other words, there is a dialectical relationship between testimonies and civil society. It is not only that civil society is conducive to testimonies in the sense of giving them more freedom and power to address the needs of victims/survivors and bring broader change in how we address problems like sexual violence. By operating in this sphere as they do, testimonies can support, reinforce, and reconfigure a civil society in such a way that would make it more pluralistic, vibrant, and egalitarian. This, in turn,

has the potential to influence broader changes in the political as well as legal conditions of our democratic society. It is the conviction of this study that having a strong and radical civil society is indispensable to the goals of egalitarian democracy.

Egalitarian democracy and radical democratic theory

Before elaborating on why and how testimony is beneficial from an egalitarian democracy perspective, I want to provide a clear definition of the latter. In this work, I build on Anderson (1999), who argues that egalitarian justice aims to create a community in which people stand in relation of equality to others (288-289). Negatively, egalitarians seek to abolish oppression, and positively, they seek a social order in which persons are equal. From this definition of justice, it follows that the goal of democratic egalitarianism is constructing a community of equals by guaranteeing all citizens equal access to the social conditions of their freedom at all times. As Anderson puts it, “To live in an egalitarian community, then, is to be free from oppression, to participate in and enjoy the good of society, and to participate in democratic self-government” (315). In reality, however, these conditions are rarely met as marginalized individuals and groups suffer from oppression and a lack of formal or substantive access to participate in processes and institutions impacting their lives. As we saw in Chapter Two, for example, due to things like a gender credibility deficit, even when having formal access to the legal system, women who take a stand against the systematic violation of their bodies are unable to meaningfully impact the legal process that has the most critical implications for their lives.

Many of the challenges standing in the way of achieving a more egalitarian community have to do with how modern societies navigate differences. This issue is the core concern of radical democratic theory. Identifying modern democracy with pluralism, this theory focuses on the question of how to deal with differences, disagreements, and conflicts between individuals, groups, and their respective interests and opinions. According to its most prominent theorist, Chantal Mouffe, acknowledging pluralism means accepting its irreducible nature and utilizing it to advance other democratic values. However, all too often, differences are translated into politics of “us” versus “them,” leading conflicts to result in the subjugation of some groups to the will of others. Thus, “in coming to terms with pluralism, what is really at stake is power and antagonism and their ineradicable character” (Mouffe 2009, 21). As a solution, instead of antagonism between enemies, she suggests constituting a relationship of agonism between adversaries. A vibrant democracy is one in which there is a vital confrontation between different competing positions. The lack of democratic contestation over real alternatives leads to antagonisms that undermine the very basis of the democratic public sphere (115).

Mouffe (2018, 16–17) identifies the current moment as post-democratic and post-political as a result of the rise of neoliberalism, which prioritized economic liberalism over political liberalism and erased the significance of democratic values. Seeing politics as an ongoing pragmatic game between different legitimate parties, Mouffe argues that with the elimination of differences, we witness the elimination of politics

as such. Thus, by post-politics, she means the blurred lines between political frontiers and, with that, the elimination of differences, competition, plurality, and agonism. In light of these problems, what we need is to establish a new hegemony, one that will reinvigorate political frontiers (Laclau and Mouffe 2001, xv) and “restore the centrality of the democratic values of equality and popular sovereignty” (Mouffe 2018, 46).

Specifically, Mouffe calls for “radical reformism,” where we reimagine and reinscribe central liberal and democratic values with new meanings. That is, through an immanent critique of the existing constitutional order, we need to mobilize the symbolic resources of the democratic tradition and radicalize “the ethico-political principles of liberal-democratic regime, 'liberty and equality for all'” (39-40). In other words, according to Mouffe’s view, “democratic values still play a significant role in the political imaginary of our societies.” However, “their critical meaning can be reactivated to subvert the hegemonic order and create a different one” (46). Importantly, this project should not be carried out exclusively or even primarily in formal settings but in as many social relationships as possible (Cunningham 2002, 195). Civil society, in particular, plays a critical role in the process of reinvigorating liberal democracy and constituting a more egalitarian relationship between different individuals and groups.

Civil society as a site of democratic reimagining

Civil society can mean very different things and include all kinds of domains and activities. Jürgen Habermas (1996) provides the following well-cited conceptualization of civil society. “The core of civil society comprises a network of associations that

institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres” (367). Although Habermas claims it has only an indirect effect on the political system, he believes civil society is an important space that produces counter-knowledge (372). Moreover, “the power relations shift as soon as the perception of relevant social problems evokes a crisis of consciousness at the periphery.” Therefore, “if actors from civil society then join together, formulate a relevant issue, and promote it in the public sphere, their efforts can be successful, because the endogenous mobilization of the public sphere activates an otherwise latent dependency” (382).

Habermas's conceptualization acknowledges the challenging force of civil society, yet it is still limited in its influence and scope, and it is bound to a rather problematic premise that the goal of civil society is to reach a consensus through a rational decision-making process. Hence, it was a target of critique by scholars who raised concerns both about the procedures of decision-making in civil society and the kind of issues that it covers. For example, Young (2010) revises Habermas' deliberative democracy model and challenges the assumption that we can or should reach decisions only through rational argumentation as well as the postulation of a common good as either a priori attribute of the public discussion or a desirable goal. Young's starting point is the existing inequalities and social hierarchies. Therefore, in her account, she highlights the role civil society plays for those oppressed within and by the current power relations. For Young, in liberal democracies, civil society is the self-organization of

marginalized people with important functions that could challenge the state and hold it accountable. Moreover, though not entirely independent from the state, she sees civil society as the *base of innovation* and what enables the emergence of decentered public spheres (Young 2010, 156).

Similarly, Hauser's (1998) definition of civil society emphasizes its response to diversity of interests and opinions. Originally emerging in Europe as an independent third arena outside of the formal structures such as courts, civil society is "a network of associations independent of the state whose members, through social interactions that balance conflict and consensus, seek to regulate themselves in ways consistent with a valuation of difference." While in its Enlightenment version civil society strived to eliminate differences, various emancipation movements such as the women's liberation movement brought to the understanding that "at its heart, civil society is concerned with relationships among diverse groups and interests" (26) and finding a common meaning but not necessarily a consensus.

Though its autonomous nature is debatable, overall, scholars agree that contemporary civil society constitutes multiple publics understood as sites of dialogue that spread through society and sometimes across national boundaries. Given the diverse and pluralistic nature of liberal democracies, the ideal of civil society works best when we allow its borders to be permeable for new ideas, actors, and interests. In fact, "because civil society is constituted by difference rather than identity, by diversity rather than unity, contact with alternative ideas and traditions is inevitable" (G. A.

Hauser 1998, 36). This is civil society's point of strength that we should embrace and celebrate and not a weakness we should overcome.

Building on these accounts, I understand civil society as a space where citizens, specifically marginalized individuals and groups, can operate to challenge the state and hierarchical power relations and inspire change in innovative ways. It includes multiple publics operating in different modalities, including in-person sites of discourse and networked publics, on different scales, from local, national, and up to a global scale. Compared to official spheres (like the legal), these publics are more flexible and malleable in terms of who partakes in them, how citizens engage with one another, and what they convey. Understood this way, civil society could address Brown and Halley's invitation to be the political space where radical democratic politics could be recovered (2002, 20). As they rightfully claim, we cannot narrow our lives to legalism and politics of rights. Instead, we must seek a political mode that has virtues that the legalistic mode lacks, such as open-ended discussion that is accessible to a variety of participants, occurs in a range of different idioms, and incites substantial interdisciplinary inquiries and understandings (23). Through such interventions, we can also start coming out of the post-politics moment and establish an order consistent with democratic values. I argue that extra-legal testimonies like those analyzed in this dissertation could help us to get there by addressing some of the obstacles standing in the way of civil society becoming a radical political space.

There are several problems undermining the democratic potential of civil society. From the perspective of this work, I want to focus on some of the issues civil society entails for women. Rethinking the concept of civil society, Dean (1992) outlines three levels of feminist critiques. First, historically, civil society has excluded women as opponents in political debates. Secondly, even when women were not formally excluded, they were not taken seriously due to masculine cultural interpretations; thus, they remained silent audiences witnessing political events as they unfolded in the public arena. Lastly, and most fundamentally, civil society is a gendered space that is constituted on the principle of the division between spheres that serves to devalue women and anyone associated with the private sphere. Considering this, “even with efforts to open up the debate as to what is legitimate and what is not, women remain excluded because of the very rules which give form to this debate” (387).

However, these issues do not necessarily entail abandoning the concept of civil society. According to Dean, we could reshape this concept by, first, moving beyond the public/private distinction and by recognizing the diversity of the public sphere within modern civil society. Furthermore, she builds on Cohen and Arato’s model of civil society and revises their categories of autonomous, self-reflective moral and juridical subjects to shed light on the notion of *embodied* persons that, among other things, means we are gendered.⁹³ She also stresses the importance of *discursive rights* since

⁹³ Cohen and Arato see civil society as a “communicatively integrated sphere differentiated from the state and the economy, yet mediating between them and the lifeworld through institutions that preserve and renew cultural traditions, group solidarities and individual and social identities” (Dean 1992, 394).

they guarantee the ability to participate as full social members as well as the principle of *publicity*. The latter is what allows citizens to question and confront different cultural interpretations that devalue the speech of particular groups. Lastly, Dean stresses *democratic participation* in a variety of levels and *plurality* or the multiplicity of different spheres as key aspects of civil society align with a feminist position.

I agree with Dean that the problems associated with civil society are not inherent to the concept and that there are ways to constitute civil society that don't exhibit these issues. The analyses through this study have shown that civic testimonies can help address some of the problems with the way civil society is operating and reinvigorate this sphere to be a force of social critique and change. Being deeply embodied yet utterly public speech acts, testimonies to injustices such as sexual violence could be critical tools for reimagining civil society beyond the public/private divide and in accordance with the values of egalitarian democracy.

Civic testimonies as tools for radicalizing civil society

To start, testimonies like those I analyzed here address the critiques of the disembodied citizen as a desired or even possible figure of civil society. As mentioned above, in the liberal tradition, civil society predisposes a universal citizen who is "disembodied, dispassionate (male) reason," and historically, "the universal citizen is also a white bourgeois" (Young 1990, 109). However, as Dean (1992), Young (1989), and other contemporary feminists have argued, the universal model of citizenship excludes anyone whom it associates with particularity while falsely assuming a general point of

view, which, in fact, reflects the position of those with more power. Civic testimonies support these critiques by showing the impossibility of configuring speech concerning structural violence and injustices in a disembodied way.⁹⁴ Additionally, they illuminate both the dangers of neglecting the body in civil society and the benefits of acknowledging it for pluralizing and democratizing civil society itself.

As the discussions throughout this dissertation showed, in testimonial speech acts, the body matters in several ways. It allows the very possibility of speech as an instrument of voice, and, crucially, it awakens a sense of injustice, indignation, anger, and other feelings that move the speaker toward the act of speaking in the first place. Additionally, the perception of one's body impacts whether one is granted an epistemic authority or not. All too often, those with less social, political, and economic power suffer from a credibility deficit. The listeners pass judgment about the validity of the speakers' claims based on, among others, preconceived ideas related to gender, race, class, age, and other traits associated with the speakers' bodies. Given that stereotypes target individuals due to their collective identity, what is at stake here is not only disbelief of and harm to individual bodies but a degradation of a collective body. Accordingly, when victims of structural violence break the silence, they speak both about the crime against their particular bodies and as a collective gendered, racialized, and sexualized body that the current structures constitute as a subordinated body that

⁹⁴ Building on Young (2011, 95), I understand structural injustices as those produced and reproduced by countless persons who act within institutional rules and according to processes that most people find acceptable yet detrimental to entire segments of the population.

can be violated by others. At the same time, the oppressed groups hold important power. By experiencing harm on their flesh, those who testify to violence possess what Medina calls “subversive lucidity,” allowing the oppressed to get to the root of that injustice or violence and provide a critique in the most profound ways.

Therefore, to use Baer’s (2016) concept, testimonies to violence and injustices are best described as “sites of ambivalence.” They shed light on the body as a site of harm and trauma and postulate it as a resource of critique and resistance. In the dissertation, I showed how this ambivalence manifests in cases of sexual violence. As we saw, while the victim/survivor receives her epistemic authority precisely because she experienced the violation of her body firsthand, she is often undermined as a speaker, especially in legal proceedings, because of what her body represents through physical traits such as age, looks, and clothing. However, we also saw that the body is not a passive or fixated exterior. Courageously, the body of the witness asserts itself and engages with others on the witness stand, in consciousness-raising groups, in front of strangers in speak-outs, and in other physical and digital spheres of civil society. We can extend this argument and think about other cases where victims’ speech exposes the duality of the body. For instance, testimonies by victims of state violence, racial profiling, and settler colonialism are all examples of speech acts that are aroused as a response to conditions of vulnerability and are vulnerable to epistemic violence once they are uttered. However, they also illustrate how this speech could be an important tool for subverting these conditions and inspiring movements for change by radicalizing civil society.

In addition to dismantling the assumption of universal citizen, testimonies could radicalize civil society by constituting diverse counterpublics. As we saw in Chapters Two and Three, under conditions of flexibility and (more) freedom, within the context of social movements and the digital arena, testimonies can produce discursive, epistemic, and affective counterpublics. When performed outside of the rigid rules of the law that tend to restrict what is possible to say or hear, testimonies can provide new epistemic frameworks to make sense of one's own experience and grant access to experiential knowledge upon which a theory of power relations could be built. They can also produce alternative language and new vocabulary that corresponds to these new understandings. Moreover, in spaces that foster "peer-to-peer" witnessing, they can circulate emotive energy between the listeners and speakers and bond them into affective solidarity. Recently, social media opened the opportunity to constitute such solidarity on an unimaginable scale and to cross geographical, legal, and cultural borders with more ease and immediacy than ever.

Furthermore, testimonies by victims of structural violence address the feminist critique concerning the problematic binary between the private and public spheres. They do so by constituting a unique type of counterpublic which I identified as an "intimate counterpublic." Building on Berlant's (2008) notion of "intimate publics," I argued that testimonies that publicly expose harm against people's bodies incarnate the impossibility of separating the intimate from the political or the private from the public. In spaces where victims/survivors appear before other victims/survivors or empathetic

allies, testimonies convey personal stories of trauma. Yet the listeners do not remain passive receivers of the testimony but actively participate in creating a collective archive of diverse (though with common threads) experiences by sharing their own story or supporting the speaker through validation and recognition. So, while testimonies give a public voice to autobiographies of private lives and the struggles they have undergone, these stories are always and already collective stories. This is both because they are underpinned by logic, structures, and institutions affecting entire groups and because the publicity of this speech interpolates the individual speakers in a relational scene where, together with the audience, they create new meanings and possibilities.

In this vein, Chapters Three and Four showed how in the context of women's consciousness-raising groups and feminist Facebook pages, the intimate and the public got deeply interwoven through story sharing by those who struggled to find their voice in official arenas. In these forums, participants had the opportunity to co-create the meaning of their private experiences and the ways in which these experiences reflect broader issues in society. Through, for example, comparisons, they learned that they were not alone, received validation, and regained epistemic authority and political agency. Moreover, they felt each other and for each other. The amalgam of feelings such as pain, anger, and hope circulated between the participants and bonded them into a community or, for the very least, created a *feeling* of community. Participants gave each other comfort but also the desire, courage, and strength to act in order to transform

the conditions of their lives. Hence, what started as a storytelling practice also led to theory building and a political plan.

In other words, in the case of civic testimonies, the intimate instigates the political and resides in it as its fuel. Therefore, to believe that the public sphere could or should be separated from the “necessities” of private lives or that the political should be free from the intimate, as some theorists do, ignores the political power of those acting to subvert the current conditions that make their lives unbearable. Butler (2015) makes this point very clear in her critique of Arendt’s theory of the public sphere. To recall, Arendt (1958) separates the political sphere and the social and private spheres because the latter two entail necessities and dependencies that, she believes, have no place in the political sphere as it should be independent. According to Butler, Arendt rightfully notices the fundamental condition of human plurality—that humans are unique and distinct from one another—but her insistence on the division between the spheres overlooks how “the space of appearance is never fully separable from questions of infrastructure and architecture, and that they not only condition the action but take part in the making of the space of politics” (127). For Butler, people who appear are plural bodies, but they act and claim the public sphere by which they were abandoned or from which they are excluded precisely due to their particularities. Moreover, “it is not only that we need to live in order to act, but that we have to act, and act politically, in order to secure the conditions of existence” (58). In other words, political action is an action

that comes from the sum of private bodies in order to secure the conditions of their existence.

Testimonies by victims/survivors of sexual violence, colonialism, racism, transphobia, and other forms of deeply structural violence, illustrate and support Butler's argument. In these speech acts, the victims/survivors bring their bodies to the public sphere, assert their authority to speak, and demand equal and dignified conditions of life. The witnesses put themselves out there and refuse to obey regulatory norms of, for example, gender and sexuality that expect them to remain silent. Instead, they first "claim their right to appear" and then demand a "livable life" (Butler 2015, 25). Importantly, in these struggles, the demand often extends beyond legal protection or possession of equal rights. Though not imminently, these speech acts entail radical social critique directed toward more fundamental legal, political, and cultural transformation.

Taken together, testimonies configure diverse and intimate counterpublics in which the body and mind, private and public, vulnerability and agency are not mutually exclusive but rather mutually constitutive. In doing so, they unsettle the category of the universal citizen and the binary between the private and the public sphere, thus addressing some of the concerns feminists raised regarding civil society. Furthermore, they mirror the social condition of plurality and struggle to sustain it. By giving voice to those who are often silenced or undermined within more formal domains, civic testimonies extend the realm of what we can know, see, and hear. Critically, giving

voice refers to granting the opportunity to talk *and* correcting the credibility deficit that allows the speech to be heard and taken seriously. As such, civic testimonies enact the principle of *plurality* and *publicity* suggested by Dean (1992) as a way of revising the concept of civil society to align it with the feminist point of view.

As the definitions I cited earlier state, a civil society constituted of diverse publics with a flexible relationship among them is vital for unsettling harmful power relations that obtain unchallenged status. By complementing, supporting, and challenging each other, these multiple publics reactivate what Mouffe's calls a grammar of politics or the critical frontiers between different stances. Furthermore, guided by the principle of *isegoria* ("equal speech in public"), civic testimonies help to construct a civil society committed to democratic and egalitarian values. So, testimonies not only give voice to the plurality of our experiences, but they also shed light on inequalities and oppressions that underline our social relationships and instigate movements with a clear normative stand; the latter is understood in most general lines as being against oppression and for egalitarianism.

To conclude this discussion, through different epistemic, discursive, and affective interventions explored in this dissertation, testimonies radicalize civil society and help it to become a vibrant and innovative sphere which, in turn, could bring about cultural shifts and even political and legal changes. As Mouffe (2018, 73) argued, "The fostering of a collective will aiming at the radicalization of democracy requires mobilizing affective energy through inscription in discursive practices that beget

identification with a democratic egalitarian vision.” This work offers the practice of civic testimony as one possible tool through which this mission could be achieved.

II. Qualifications and limitations

This dissertation supported arguments concerning the inadequate response of official arenas, such as the law, to structural violence and injustices like sexual violence and spotlighted civil society as a site where testimonies have a greater possibility to enact their democratic capacities. Moreover, it argued that testimonies performed in civil society are beneficial not only for addressing victims/survivors’ needs but also for offering justice choices. By dismantling the disembodied figure of the citizen and the binary between the public and private spheres as well as constituting more pluralized, vibrant, and innovative counterpublics, they also hold the potential to radicalize civil society itself. In the current moment, however, these are still more aspirations than reality. The examples explored in this dissertation helped to deduce this potential, yet there are still several obstacles that stand in the way of testimonies to become radical tools. In what follows, I offer some reflections on how to improve this practice to materialize the promises theorized in this work. Briefly, individuals and social advocates who want to use testimonies in their work should use them together with other tools, take seriously the intersectional critiques of multiple systems of oppression, and ground this practice in egalitarian politics. These are not exhaustive, and future studies should do more work on illuminating additional barriers in light of the ever-changing political, legal, and cultural landscape of our democratic societies.

Speech must be followed and accompanied by other activities

First, from a political perspective, giving a testimony can be a goal in and of itself. However, to actively advance the principles of egalitarian democracy, more than a speech is needed. Testimonies are vital for all the reasons explored in this dissertation, but they must be accompanied and followed by other forms of political engagement, such as voting, organizing and participating in marches and protests, lobbying, signing and disseminating petitions, and partaking in civil disobedience. To compare, from an ethical or therapeutic point of view, bearing witness is invaluable for the victims of violence, and speaking about the traumatic experiences before an empathetic audience might be sufficient to achieve goals like therapeutic relief. However, to influence broader changes and the conditions that produce and justify phenomena like sexual violence and surely radicalize civil society, we need multifaceted activism.

This dissertation started with an overview of the prevalence of sexual violence cases around the globe. In countries where anti-rape movements took place, like in the U.S., we saw significant changes. Laws were passed, new policies were put in place, and funding was allocated to new initiatives like rape crisis centers. Above all, we witnessed new awareness of the problem and cultural shifts concerning what kind of behavior is accepted and/or condemned by the public. After #MeToo and similar online campaigns, in particular, we saw dramatic changes in how the issue of sexual violence is represented in popular culture or talked about in academia and other workplaces.

Thanks to numerous individuals sharing their personal stories, today, it is harder than ever to be oblivious to the magnitude of sexual violence.

Yet, these changes are not necessarily reflected in decreased rates of sexual violence incidences. As Serisier (2018) rightfully notes, the anti-rape movement was founded on the belief that producing and disseminating the genre of experiential narratives can end sexual violence, and thus speaking up became a key strategy and legacy of second-wave feminism (4). However, despite being successful in promoting a cultural shift, breaking the silence around rape did not end sexual violence or reduce it (11). Serisier provides several explanations for this failure. She finds that during the 1990s, “politics and narratives of speaking out” separated from their feminist origins and got incorporated within criminal justice discourses or ‘law and order politics’ that do not produce feminist consciousness or reflect feminist radical analysis of sexual violence, both of which are necessary for ending this violence (25). Additionally, from the mid of 1990s, the concern becomes less with rape and sexual violence and more about *speaking* about these experiences (51). Post #MeToo it is even more evident that the problem is not that people are not aware of the epidemic levels of sexual violence. “It is that this knowledge doesn’t produce action and is allowed and enabled to be forgotten” (115). Similarly, Ferguson (2022) questions the promise of contemporary storytelling via hashtags. She argues that recent forms of consciousness-raising lack the revolutionary edge of the original groups during the anti-rape movement because they are not dialogic or deliberate, and as such, they do not produce new knowledge or

collectivity. Hence, hashtags reflect an anti-political imaginary that views feminism as a finished project despite the unsolved problems needing its creative response.

I am not sure that speaking became the sole goal of anti-sexual violence activism or that the usage of testimonies we witness today lacks any form of theory or collective building. In fact, the analysis in Chapter Four illuminated some subversive qualities of digital testimonies and their role in constituting networked solidarity and connective action. However, I agree that we must be on guard and make sure that our political engagement exceeds the realm of clickbait politics. We need to engage testimonies in social critique and utilize them to impact norms as well as policy. To succeed in achieving progressive social policies, testimonies must be part of a broader movement and work together with other tools. As Htun's (2012) cross-national study shows, a successful policy implementation concerning violence against women depends on diverse political action. "The autonomous mobilization of feminists in domestic and transnational contexts is the critical factor accounting for policy change. Further, our analysis reveals that the impact of global norms on domestic policy making is conditional on the presence of feminist movements in domestic contexts, pointing to the importance of ongoing activism and a vibrant civil society" (548). While this dissertation argues for the political significance of testimonies in instigating activism

and constituting a vibrant civil society, it also warns us from stopping too short and neglecting other critical activities of dissident citizenship.⁹⁵

Limited analysis of oppression: unheard voices, neglected issues

The second issue that contemporary social justice advocates must grapple with when they use testimonies in their struggles is the fact that, to this day, the voices we tend to hear and consider are those of persons with more privileges and power. Moreover, the social critique built upon these voices is all too often one-dimensional and doesn't capture how things like domination and oppression operate on multiple axes such as race, gender, and class. We can't deny that there is a growing understanding, at least among some feminists, that feminism must attend to intersectional forms of oppression. According to an intersectional approach, "When it comes to social inequality, people's lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other" (Hill Collins and Bilge 2016, 2). However, the stories that find their way to mainstream culture are still by those with more power. For example, at least in the early days of #MeToo following Milano's post, it was stories shared by famous actresses against actors, producers, directors, and other

⁹⁵ Here I refer to Sparks' notion of dissident citizenship, conceptualizes "as the practices of marginalized citizens who publicly contest prevailing arrangements of power by means of oppositional democratic practices that augment or replace institutionalized channels of democratic oppositions when those channels are inadequate or unavailable [...] Dissident citizenship, in other words, encompasses the often creative oppositional practices of citizens who, either by choice or by forced exclusion from the institutionalized means of opposition, contest current arrangements of power from the margins of the polity" (Sparks 1997, 75)

well-known people in the Hollywood industry that captured everyone's attention. Consequently, the critiques we heard didn't add much to the analysis of gender inequality and sexism offered by radical feminists during the 1970s as an explanation for the prevalence of sexual violence.

As the analysis in Chapter Four showed, for most parts, contemporary online activism takes as a given that the issue of sexual violence is a product of broader power relations and attacks the structures that are supposed to provide remedy and protection for their complicity in the reproduction of this problem. The law, in particular, stands under serious critique for the way it harms the most vulnerable social groups. Thus, and as the last discussion elaborates, many feminists reject it altogether as a sphere of feminist activism or even an adequate route for individual victims who seek to address the harms against their bodies. However, sex and gender are still the main, and in some cases the sole, categories through which people make sense of this phenomenon. Moreover, the case of Israel shows resistance to taking into account the relationship between sexual violence and other patterns of violence, such as the atrocities of the state of Israel against millions of Palestinians in the occupied territories. Among thousands of testimonies on the Facebook page "One of One," we don't hear from a single Palestinian or Arab Israeli woman. Additionally, when testimonies speak to the ways in which the state of Israel, nationalism, and racism are inseparable from the same culture that harms women and girls, they are pushed back and met with hostility.

As a result, we don't hear from those who are the most vulnerable to sexual violence and whose voices are most likely to be undermined in the legal arena if they even have access to it. For these individuals and groups, instead of providing an alternative space where they can partake in critique and political activism against the state and its official institutions, civil society reproduces some of the power relations that characterize formal arenas. This also means we neglect to understand how sexual violence is interwoven within broader economies of violence. As Collins (2017, 1465) rightfully argues, "Racism, sexism, and class exploitation constitute distinctive and intersecting systems of oppression that rely both on political domination and on violence as an important tool of organization."

Therefore, if we want to get to the core of sexual violence and undo the logic, norms, and rules that underpin it, we must learn to tackle the ways in which this violence is related, supported, and sustained by other forms of violence. "Political activism and resistance that unmasks how violence binds seemingly disparate systems of power can improve far beyond tangible acts of political opposition" (Collins 2017, 1476). In other words, we must take the lessons of the intersectional approach more seriously. Though this term became popular during the 1990s and is identified with the work of Crenshaw (1994), black women and other marginalized women in the U.S. foregrounded the idea of "interlocking oppressions" already in the 1960s and 1970s when they confronted how their needs are failing into the cracks in different movements (Hill Collins and Bilge 2016, 65). They understood that their oppression was rooted in

capitalism, and thus, in addition to gender and race, they saw the category of class exploitation as key in their activism. Importantly, these understandings were channeled toward action as the point wasn't to stand on "who you are" but what you can do about it (Taylor 2017; The Combahee River Collective Statement n.d.). If we are serious about radicalizing civil society to move toward an egalitarian society, and if we are committed to using testimony to pluralize who we see and hear as well as what we know and do in this realm, we should go back to these lessons offered by black women and women of color and commit to them.

As part of that, we must engage with one another across differences, including different experiences of oppression and injustice. At the core, an intersectional approach calls for solidarity and coalition building. This solidarity, however, is not constituted upon the problematic assumption of a "common oppression" that characterized second-wave feminism and erased the critical differences between women from different social groups. Rather, as Mohanty (2003, 6) suggests, solidarity is a matter of "mutuality, accountability, and the recognition of common interests as the basis of relationships among diverse communities." We have some tools to share experiences and cross borders with more ease and immediacy, like online testimonies explored in Chapter Four, but now we also need the commitment to intersectional analysis and to build coalitions that include those at the margins as subjects and agents of change.

The “dark side” of testimonies: the abuse of testimonies during the lynching era in the South

The last point I want to highlight here concerns the transformative potential of testimonies. As Serisier’s (2018) work shows, storytelling doesn’t necessarily lead to progressive social change, and the strategy of using personal experiences to expose the problem of sexual violence isn’t necessarily channeled toward feminist politics. For example, in chapter two, she explores the story of Jill Seward, who published her memoir in 1991 from a deep commitment to speaking out about her experience of rape. However, she explicitly stated that she is not a feminist. She saw herself as a victim of violent crime but didn’t accept feminist’s insights about rape. For example, she strongly supported the difference between “real” rape and a lesser form of “forced sexual entry,” as well as the distinction between “women like her” and women who are “provocative.” Therefore, instead of representing a feminist concern, her discourse of victims’ rights incorporates the neoliberal logic of risk management in which it is up to the individual to make sure that she protects herself. This position is also accompanied by a socially conservative version of Christianity (for instance, she believed if a woman engages in sexual activity with a man, she provides further permission to engage in sexual activity with others). This and other examples show that “survivor speech is not always or necessarily feminist and the public success of speaking out has not universally resulted in the promotion of feminist understandings of rape” (41).

Serisier also shows how much of the storytelling practices, especially during the 1990s, were explicitly reluctant to include race in their accounts. She gives the example of Nancy Ziegenmeyer, who believed in women's authority to speak about rape and sought to encourage others to speak up. Yet feminist insights concerning the structural issues underpinning rape were largely absent from her account. Instead, she focused on the criminal justice system and sought to strengthen the punitive approach in light of what she saw as very "lenient treatment of criminals" (Serisier 2018, 29). Furthermore, her testimony did not consider the complexities of race in relation to the history of rape law and punishment, even though she was a white woman raped by a black man. Instead, Ziegenmeyer states that race has nothing to do with rape, thus concealing how the fear of rape and the support of "tough on crime" is related to racism in America. Ziegenmeyer's position on rape and race reflects a problem discussed in the second point regarding the feminist neglect to grapple with intersectional oppressions due to the endeavor to portray rape as a universal experience of all women. It is not only an analytical neglect but a historical erasure. Ignoring the role of race in relation to rape is particularly problematic due to the appalling history of using testimonies about rape to justify violence against black men in the postbellum South.

During the dark times of lynching in the South, the "rape myth" of the black rapist served as one of the main justifications for the horrific actions taken by the Southern mob. According to this myth, "without the supposed civilizing influence of slavery, African American men were in a process of evolutionary "retrogression" and were

increasingly driven by uncontrollable primordial animalistic instincts toward sexual gratification with dramatic implications for race relations” (Smångs 2020, 619). Notably, in the antebellum South, white Southerners weren’t as concerned with rape since the common belief was that there was trust between the two races and loyalty and affection between slaves and their owners (Sommerville 2004, 1). In those cases in which a white female charged a black man with sexual assault, Southerners submitted willingly to legal processes, and interestingly, they didn’t always side with the white accuser, especially in cases in which the accuser was a poor white woman (4). This changed after emancipation, as rape became an important marker of race and gender relations in the American South.

Fears of losing white supremacy yielded rape myths as “the abolition of slavery fundamentally clashed with traditional racialized and gendered meanings defining southern white manhood” (Smångs 2020, 619). At the same time, Reconstruction politics, including the contest over control of local courts, played a key role in Southerners’ doubts regarding the efficacy of using legal channels to deal with cases of black men raping white women. As a result, many opted for or supported the use of extra-legal violence (Sommerville 2004, 17). Thus, the notion of black docility during slavery was displaced by the ideology according to which virtually all black men posed a sexual threat, and it was the role of white men to protect their women from them (18). As one of the lynching apologists, Bishop Haygood, says: “No race, not the most savage, tolerates the rape of woman, but it may be said without reflection upon any

other people that the Southern people are now and always have been most sensitive concerning the honor of their women—their mothers, wives, sisters and daughters” (Wells-Barnett 2014a, 31).

In this climate, white women’s testimonies against black men were weaponized against the entire black community in the South as a means to support the lynching. Yet, as the anti-lynching activist Ida B. Welles famously argued, lynching had very little to do with real or even imagined rape. In her research, she presented evidence from multiple years during the Reconstruction era on many lynchings where rape wasn’t even evoked as a reason as well as cases where Southerners also victimized black women. For example, from 1882 until 1891, only one-third of almost a thousand victims of lynching were charged with rape. Others were charged with crimes like murder, robbery, incendiarism, race prejudice, quarreling with white men, miscegenation, and other charges that had nothing to do with rape (Wells-Barnett 2014b, 85–86). “Yet Southern apologists justify their savagery on the groups that Negroes are lynched only because of their crimes against women” (174). Therefore, any accusations made by white women against black men confirmed the myth and provided further support to those who took the law into their own hands.

Wells' work also called into question many of the cases in which rape was alleged (Wells-Barnett 2014b, 13). In many of them, the black man accused of assault was guilty only of being in a sexual or romantic relationship with a white woman. Through different cases, Wells shows that white women used the power of “rape myth” to

conceal the fact that they engaged in interracial relationships. For instance, Welles discusses the case of Mrs. J.S. Underwood, the wife of a minister of Elyria, who accused a black man of rape during her husband's absence from home. The accused, William Offett, denied the accusations but confessed that he was intimate with her upon her request. He was found guilty and sent to prison. After a few years, the woman confessed to her husband that Offett was innocent and that she lied to save her reputation. According to Welles' research, "There are thousands of such cases throughout the South, with the difference that the Southern white men in insatiate fury wreak their vengeance without the intervention of law upon the Afro-Americans who consort with their women" (49-50). This is not surprising given the fact that for many white Southerners, the idea of a voluntary alliance between a white woman and a black man was inconceivable (Wells-Barnett 2014a, 30). Hence, white women could accuse black men of rape as an effective tool to save themselves from compromising situations (Dorr 2004).

Nevertheless, as the case of Virginia shows, white Southerners did believe that some women could falsely accuse black men to serve their own interests. As Dorr's socio-legal analysis of rape accusations in Virginia shows, "Despite being structured around patriarchal control of women, segregation gave women one particular form of social power: the ability to accuse black men of rape. But with that power came the ability to abuse it. When white women did abuse it, whites eventually abandoned racial solidarity" (Dorr 2004, 112). If so, white women were aware of their power to use rape

myths against black men, hence manipulating white men's anxieties to their advantage. Indeed, for poor white women, in particular, this was one of the few ways to exercise social power and bolster their status (115). However, precisely in cases involving women from lower classes and those with "compromised" backgrounds, white men stood by black men as "men." "In limiting the degree of protection some women received, white men preserved their power to act as the final arbiters of not only white women's behavior but also the ideal of white womanhood, an ideal that permeated every aspect of white women's lives" (132). Therefore, what we have here is a history of intertwined race, gender, and class hierarchies in which white men controlled the image of womanhood and, in the name of chivalry, committed unimaginable crimes against those whom they perceived as threats to their race and manhood.

This historical example serves as a critical reminder that testimonies could be used in many ways, not only to support egalitarian politics or to end phenomena like sexual violence. In a world of racial prejudice and segregation, women's testimonies about rape, whether false or not, served as means of racial control and a way to assert white supremacy (Dorr 2004, 4). Therefore, the insights offered in this dissertation regarding the democratic potential of testimonies are not inevitable but must be fought for. Social justice advocates who seek to use this practice must ground it very clearly in a social justice framework and make a clear connection between using women's voices and ending *all* forms of oppression as well as ensuring that everyone is equally free to enjoy the goods of society. Exposing violence is not enough and, sometimes, could lead to

unintended consequences of strengthening existing social hierarchies and further harming the most vulnerable in society. Thus, the voice against violence must also take a clear egalitarian position.

III. Final notes: the relationship between civic and legal testimonies

This dissertation offers the practice of testimony as a democratic tool that could be conducive to providing social critique and promoting a broader change in society. Specifically, it argues for the radical potential that testimonies hold when they are performed within civil society, both in terms of addressing specific needs of victims/survivors harmed by the current conditions of inequality, discrimination, and violence and in their capacity to radicalize civil society. Thus, while the limitations discussed in the previous sections are important to acknowledge and address, this study provides an outline for some steps we can take to improve our response to sexual violence.

Specifically, in addition to supporting options focusing on survivors' needs and restorative justice, this study identifies essential steps that social justice advocates can implement in their work against sexual violence and other forms of oppression. Concerning the latter, this study provides additional support for putting energy into strengthening civil society and investing in spaces where women and others bear witness to different harms. As we saw, marginalized individuals talk about their oppression and harm using different mediums and channels, including offline and online platforms. Paying attention to existing platforms where these speech acts

perform and taking seriously what these stories have to tell is essential for better analyzing the main problems, concerns, and needs of these individuals and groups. They also may offer solutions or at least paths for imagining how to materialize the ideal of egalitarian democracy. Additionally, social justice advocates can invest in establishing and maintaining new spaces for sharing testimonies where these are absent. For example, we can apply the framework of civic testimony to issues where it is not as popularly used as in the case of sexual violence (such as the recent attack on reproductive rights) and to geopolitical places in which such work is needed more than ever like in the states where the legal protections previously granted to minoritized communities are overturned.

This study also suggests that civic testimonies are vital for social justice work not only because they help in theory building (i.e., analyzing the issues and proposing solutions) but also in mobilizing action by channeling the emotive energy circulated by and through testimonies toward action. Thus, culminating civic testimonies, providing participants with more freedom to voice their experiences, amplifying the multiple voices sharing their stories, and utilizing the insights as well as emotive energy provided through testimonies toward theory and political action are all important tasks that social justice advocates can, and in my opinion should, pursue.

The question remains, where does it leave us regarding the relationship civic testimonies constitute with the law? Does this work suggest that civic testimonies should complement, provide alternatives, challenge, or substitute legal testimonies?

Nowadays, at least in the U.S., we witness the rising popularity of the movement in favor of abolishing the police and criminal system altogether. Given the focus of this dissertation on civil society, it may be tempting to see this research as supporting such a position. Yet the stand I take is more nuanced than this and demands a reflection on the recent debate between anti-carceral feminists and the target of their critique. Therefore, to address these critical questions, I want to conclude this dissertation with some preliminary insights into the place of law and legal testimonies in the struggle against sexual violence and for greater equality.

It is true that civic testimonies provide victims/survivors with more freedom in terms of how and where to speak as well as what to share in comparison to the legal domain. Additionally, channels of civil society give the victims/survivors an opportunity to choose different forms of justice and address various needs beyond legal redress and punishment. In doing so, civil society encourages more voices to speak up and exposes experiences that might have remained unknown or undermined otherwise. However, these arguments do not necessarily call us to abandon the law altogether. While remaining critical of the law and the criminal system in particular, especially in places like the U.S. where all too often the system harms the most marginalized communities, it is the conviction of this study that to address different forms of violence and achieve the goals of egalitarian democracy, we must engage with the law and reinvest it with democratic principles. This work should be done as part of a more holistic approach in which law reforms come together with other extra-legal activities

in civil society. This means that in addition to struggling by extra-legal means for more comprehensive and fundamental changes in our legal systems to eliminate biases, prejudice, and harmful practices, we need to improve the legal processes for those harmed by them today. Reforms that recognize partners and acquaintances as perpetrators, restrict the use of sexual history in cross-examinations, and codify a strong framework of consent like the one adopted in Canada following feminists' pressures⁹⁶ are a few examples of the kind of legal changes this study supports and encourage to pursue.

To further clarify my position, it is helpful to recall the debate between anti-carceral feminists and those who question the validity of these critiques. Originally articulated to define the active mobilization of the criminal justice system to respond to sex trafficking, today, the term "carceral feminism" is used to refer more broadly "to decades of feminist anti-violence collaboration with the carceral state or that part of the government most associated with the institutions of police, prosecution, courts, and the system of jails, prisons, probation, and parole" (Kim 2018, 220). According to the anti-carceral critics, carceral feminists allied themselves with "law and order" narratives, promoting crime control in light of what they saw as low conviction rates and lenient sentencing, thus contributing to the further marginalization of oppressed groups (Masson 2020, 66).

⁹⁶ In Canada, "as a result of feminist pressures, a statutory definition of consent as 'the voluntary agreement to engage in the sexual activity in question' (s. 273(1)2) was embedded in the Criminal Code, transforming consent into 'something that a woman does and freely chooses to do, not something that men fanaticize or choose for her'" (Gotell 2015, 59).

The origin of this relationship, according to the critics, goes back to second-wave feminism. Reflecting on its successes, Bumiller (2013) argues that during the 1970s, the second-wave feminist agenda was incorporated into the regulatory state through neoliberal policies since it pushed for an ethics of personal responsibility that worked all too well with the neoliberal goal of emptying the welfare state (195). Furthermore, mainstream feminist demands for more certain and severe punishment for crimes against women fed into the emergence of crime control and a punitive form of justice during that period (197). Similarly, Gruber (2021) traces the rise of carceral feminism to some of the initiatives and ideologies promoted by feminists during the 1960s and 1970s. Gruber argues, "Feminist antibattering and antirape discourse and activism meaningfully influenced the conservative victims' rights and crime control movements of the 1980s and the draconian sex offender laws of the 1990s" (119). Worried about the recent reinvigoration of feminist activism against sexual violence in the #MeToo movements, Gruber argues that "Many #MeToo devotees know that the US penal system is a site of racial and socioeconomic inequality. Nonetheless, in the zeal to fight sexual misconduct, millennial feminists abandon their liberal (in the double sense of "progressive" and "respecting individual rights") commitments" (9).

If so, according to the critics, carceral feminism isn't effective and only paves the way for more harm. As the feminist philosopher Amia Srinivasan argues, "carceral 'solutions' tend to make things worse for the women who are already worst off [...] at the same time, the carceral approach fails to address those social realities—poverty,

racism, caste—that lie at the root of most crime” (2021, 160). Given these issues, anti-carceral feminists call for alternative solutions that go beyond criminalization, for example, addressing the most persistent problems caused and created by sexual violence like the social and economic disadvantage experienced by women, and reinstating the original grassroots impulses by connecting to other antiviolence movements locally and globally (Bumiller 2013, 205–6). Among the most popular alternatives are restorative justice and transformative justice. In both, the community is seen as better suited to address the victims/survivors while recognizing the impact of violence on all the members of the community. Restorative justice focuses on restoration, rehabilitation, and the healthy reintegration of all parties back into the community while still working within and sanctioned by the criminal justice system (Kim 2018, 226). Transformative justice, on the other hand, opposes restoration and instead seeks total transformation of the current institutions and includes informal, decentralized, and largely undocumented processes (227). A more radical approach calls to support full abolitionism⁹⁷ and avoid by all means criminalization. For instance, Gruber argues, "Understanding the dangers of collaborating with the penal state means that sometimes the best thing to do is nothing—to live with the problem rather than invoking a state solution” (2021, 198).

⁹⁷According to abolitionists, this call not only asks for defunding the police and decreasing incarceration. Rather, “abolition is a freshly and material presence of social lives lived differently” (Gilmore in Srinivasan 2021, 172) that includes a demand for power and wealth redistribution. See also the recent work by (A. Y. Davis et al. 2022) that traces genealogies of organizing that shaped the relationship between abolitions and feminism in the 21st century.

Gruber’s conviction that “doing nothing” is better than appealing to the criminal justice system is rather troubling when we think about the implications of this argument for gender-based violence. For too many years, women didn’t have the protection of the law, especially women of color, and while many may opt for alternative solutions, there are still victims/survivors who want to use criminal law (McGlynn 2022, 4). Hence, in rejecting the law altogether, we risk the return of impunity for acts such as sexual violence (Gotell 2015, 67) and dismissing the full spectrum of justice needs (McGlynn 2022). Additionally, Gruber and some other anti-carceral feminists reject adding new abuses into the criminal code, for example, the sharing of revenge porn, while distinguishing between different levels of sexual harm. By doing so, they reinforce some problematic assumptions like the myth of “real rape” and risk reifying the criminal law status quo (5-6). Furthermore, the recent overturn of *Roe V. Wade* shows very clearly that the law is still a site of struggle and that even the protections that women and minoritized groups won in the past could be taken. Thus, if abandoned by progressive activists, we risk not only reifying the status quo of the law but opening the space for further attacks on the rights of the most vulnerable groups.

The alternative solutions offered by anti-carceral critics also call for a closer examination.⁹⁸ Specifically, I find the emphasis on the community as an adequate site

⁹⁸ See, for example, (Daly and Stubbs 2006) for a discussion of some of the physical and psychological dangers of restorative justice in the context of sexual violence by partner or family violence, and (Delgado 2004) for a comparison between restorative justice and criminal justice system that leads the author to argue that neither provide fair or humane treatment to the victims or offenders. See also (Grillo 1991) for an argument against using mediation as an alternative to adversarial adjudication.

for dealing with issues like sexual violence problematic. First, it is unclear why the anti-carceral critics assume that the community is willing to pursue alternative solutions. There are enough examples of communities with a strong punitive desire (Masson 2020, 72). Additionally, by rejecting big-state solutions and calling for volunteerism in the community, the anti-carceral feminists do what they criticize carceral feminists for, namely, the mobilization of neoliberal rationality of privatization of crime control. “Although the non-state provision of alternative justice envisaged by anti-carceral feminists is not profit-driven, in the contemporary context, it falls within the confines of the neoliberal turn to privatization” (71).

Even if the community is willing to entertain non-carceral responses, why do we assume that it will guard the interests of, for example, women and transgender people? The Jewish ultra-Orthodox community, for instance, would happily take all the state authority to adjudicate in all manners currently residing under the civic and criminal law but only to substitute it with the religious authority, which unsurprisingly wouldn't stand for women's or LGBTQ rights. Even without going to these more “extreme” cases, it is not always clear what is meant by a community. If I am an international student residing in the U.S. with no family or systems of support, to whom should I appeal in cases of victimization? It is easier to think about different resources available for this student on campuses such as UC Santa Cruz, but what about those states and universities that are currently struggling to maintain offices of DEI or teach classes on race and feminism? Rejecting the state and re-privatizing justice through the use of

nonprofits and community-based solutions could lead to even more unequal application of rights and resources.

To conclude, the anti-carceral critiques present a binary between two mutually exclusive options: criminalization or abolitionism. They see the state and criminal system in purely repressive terms. In my view, this stand not only misses some of the key points of feminists whom they condemn as carceral, but it is also an utterly unimaginative stance. Anti-carceral critics see any endeavor to work with the law as bolstering the penal state. However, “There is an important distinction between the carceral demand for heightened conviction rates and the feminist aims of improving the legal story of rape and ensuring that complainants’ participation in the criminal justice system does not compromise their dignity and autonomy” (Larcombe in Gotell 2015, 59). For instance, the feminist demand to treat women who testify to the harms of sexual violence like witnesses in other crimes, which would entail listening and evaluating their stories without starting from the assumption that they are lying, is essential for improving the legal process for women and has no “tough on crime” logic behind it.

More generally, criminalization is not “synonymous with incarceration, and incarceration is not synonymous with mandatory minimums for lengthy sentences” (Franks 2017, 1302). It is true that currently, in places like the U.S., there is a problem of mass incarceration that disproportionately targets racial minorities who serve their time in dreadful conditions. Yet instead of assuming that the criminal justice system is

imminently problematic and thus should be avoided, we can work on restructuring it more broadly with the help of models from other countries that focus on rehabilitation instead of punishment, such as Norway. Indeed, there are already some initiatives working in this direction. For example, in 2018, a program named Amend launched a culture-change initiative that offers hands-on training with Norwegian officers for American correctional staff. To date, over 400 officers in California, North Dakota, Minnesota, Oregon, and Washington have enrolled.⁹⁹ Anna Terwiel (2020, 437) offers another way to respond to current problems with the criminal system without neglecting the needs of victims/survivors of sexual violence. She offers to embrace the “spectrum of decarceration”—which includes solutions like shorter sentences to challenge the assumption that only harsh state punishment delivers justice and the “right to comfort” that challenges the assumption that prisoners deserve to suffer—to advance the goals of abolition while preserving protections to victims/survivors.

Therefore, this study argues against the binary that presumes that either you are using criminal law as it is with all its problems of racial disparities and mass incarceration, or you reject it altogether. Instead, it calls for a holistic approach, one that recognizes the current issues with the criminal justice system in places like the U.S. concerning legal testimonies and, more generally, how the criminal system harms the most vulnerable populations. At the same time, this approach doesn’t understand these issues as immanent or inherent problems of the law and continues to struggle for

⁹⁹ See more information about this program on its website at <https://amend.us/>,

both a better legal system and providing additional avenues for voicing harms and impacting change.

Indeed, the law can't and shouldn't be the sole domain where women and other victims/survivors voice their experiences. There are multiple needs and goals that giving testimony can address, but it will do so most effectively outside of the law. To create solidarity or build an affective community, for instance, survivors need more freedom as to how and what to share than what the legal processes allow. Moreover, criminal charges are not the only consequences desired by survivors, and often not at all. Some may want recognition and apology from the perpetrators; others seek to bring greater awareness to the problem of sexual violence. These goals may be better addressed in informal spaces that advocate for alternative forms of justice. Lastly, for those who seek to use testimonies to build theory and political movements of change, this study argues that pressures coming from civil society are necessary forces that must accompany legal reforms that work to improve legal processes from within. In other words, as democratic tools, testimonies have the greatest chance to fulfill their potential within civil society.

To put it differently, we should continue working on challenging the state and approaches in the current criminal system and simultaneously “developing more innovative and radical justice and accountability mechanisms” (McGlynn 2022, 1). In relation to testimonies, in particular, this means that we should strive to provide victims/survivors with as many justice choices as possible, including the legal terrain.

Yet, this doesn't imply preserving the status quo of the current structures and institutions. In the short term, we should work on reforming the law in order to address the shortcomings presented in this work regarding the legal, epistemic, and democratic injustices it produces. At the same time, we should provide alternatives for victims/survivors to voice their experiences outside of the law. Furthermore, in the long run, testimonies performed in civil society, together with other activities, could provide the means to a more radical reimagining of democratic institutions and how the state and the society more broadly respond to harm and injustices. Therefore, the answer to the question of what kind of relationship civic testimonies constitute with law is one in which civic testimonies simultaneously complement, challenge, and reinvigorate the legal one. This means that social justice advocates have more work to do in the legal arena too. In fact, in the wake of new authoritarian tendencies in the U.S. and other Western democracies, the mission of reinvesting the law with egalitarian democratic values seems more important than ever.

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