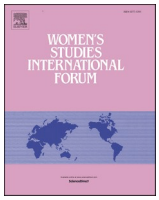
Women's Studies International Forum 93 (2022) 102614

Contents lists available at ScienceDirect

Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsif



Challenging anti-carceral feminism: Criminalisation, justice and continuum thinking

Clare McGlynn

Durham University, United Kingdom of Great Britain and Northern Ireland

ARTICLE INFO

Keywords:
Anti-carceral feminism
Continuum thinking
Criminalisation
Kaleidoscopic justice
Transformative justice
#MeToo
Abolition feminism

ABSTRACT

While anti-carceral feminism – which challenges the use of the criminal law and criminal justice system to tackle violence against women – is increasingly dominant, this article builds on an emerging body of work contesting its central premises. In particular, this article emphasises that some sexual violence survivors seek criminal justice redress and examines the work of feminist organisations both supporting survivors and demanding radical change. It argues that some anti-carceral feminism risks reifying existing criminal laws and reproducing sexual violence myths and stereotypes. In doing so, it defends criminalisation of 'new' and emerging forms of abuse and offers 'continuum thinking' (Boyle, 2019) as a way of moving beyond the polarised and binary approaches of current debates and activism. The aim is to encourage a nuanced, complex approach to the criminal law and criminalisation which recognises both a role for criminal justice and alternatives; which listens to the voices of all survivors, including those whose understanding of justice includes criminal justice; and which is fully alive to the risks and challenges that all justice approaches entail whether state or community based.

In recent years, there has been growing resistance amongst some feminists to the use of the criminal law and criminal justice system to tackle violence against women. This 'anti-carceral' feminist positioning is stated to be in contrast to 'carceral feminism', a term first developed to critique the use of criminal responses to sex trafficking (Bernstein, 2007, 2012) and now used more generally to refer 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). Anti-carceral feminism is now playing an increasingly central role in scholarship on, and activism around, violence against women, gaining strength from both the perceived punitive turn of the post-2017 #MeToo movement (Cossman, 2021; Gruber, 2020; Kaplan, 2020; Mack & McCann, 2018) and influence of abolition feminism following #BlackLivesMatter (Davis et al., 2022).

While anti-carceral feminism is increasingly dominant, there is now a slowly emerging body of work critically engaging with its central premises and underlying assumptions. This critical scholarship questions the extension of the carceral critique of sex trafficking to other forms of sexual violence, particularly sexual assault laws (Gotell, 2015), suggests anti-carceral feminism may, inadvertently, evoke neoliberal principles and therefore itself risks appropriation within hegemonic neoconservative and neoliberal projects of privatisation and voluntarism (Masson, 2020), and offers an alternative 'spectrum of decarceration' to provide the basis for a more expansive approach to reducing and eliminating violence against women and reliance on imprisonment (Terwiel, 2020). Common to these critiques is the concern that feminist debate and activism has become polarised and binary, with approaches being characterised as either carceral or anti-carceral, leading to the 'erasure of nuance' (Masson, 2020).

This article builds on this growing critique of anti-carceral feminism beginning with an outline of the development of anti-carceral feminism, emphasising its roots in feminist abolitionism and its resurgence after the viral #MeToo and #BlackLivesMatter movements. The second section examines the emerging responses to anti-carceral feminism, including the challenge to polarisation and binary thinking, and I recommend that 'continuum thinking' (Boyle, 2019), embodying nuance and complexity, is the best grounding for on-going debates, scholarship and activism in this field. The following sections then develop my critique of anti-carceral feminism.

Drawing on research with sexual violence survivors into their perceptions of justice, in section three I argue that as some women seek redress through conventional criminal justice systems, we need to continue engaging with those processes if we are to fully recognise the experiences and perspectives of all survivors. In this light, in section four I examine the activism of a number of predominantly UK-based anti-

E-mail address: clare.mcglynn@durham.ac.uk.

https://doi.org/10.1016/j.wsif.2022.102614
Received 3 August 2021; Received in revised form 4 April 2022; Accepted 24 May 2022
Available online 6 June 2022

violence feminist organisations, including those working with black and minoritised women experiencing abuse, who are navigating the challenging terrain of supporting survivors through the criminal justice system, as well as advocating for radical change. Their work, I argue, challenges the binaries of carceral/anti-carceral feminism and activism and embodies the spirit of 'continuum thinking' (Boyle, 2019).

Developing this survivor-led approach, in section five I defend feminist strategies which engage in criminal law reform, including criminalisation of 'new' forms of abuse. I identify the risk that some anti-carceral feminism reifies the current criminal law and reproduces concerning stereotypes and assumptions about sexual violence and its harms. While defending some forms of criminalisation, in the final sixth section I qualify this defence as being based on the ambition to expand conceptions of what constitutes criminal justice, moving away from punitive, retributive aims, towards more expressive, educative and rehabilitative approaches. In doing so, I seek to embrace the same spirit of idealism evident in much abolition feminism, focusing in my case on radical transformation of criminal justice systems. Ultimately, I argue that there is a role for criminalisation and the criminal justice system in tackling violence against women and girls, as part of a broader movement challenging the conventions and approaches of current criminal justice systems, in tandem with developing more innovative and radical justice and accountability mechanisms.

1. Anti-carceral feminism and the critique of criminalisation

While law can be a powerful mechanism for challenging abuse, it is also a means of perpetrating harm. The law frequently and continuously fails to meet its loftier ambitions, particularly for women, and specifically black and minoritised communities. The law discriminates, privileges, marginalises and can be an active tool in oppression. Therefore, in turning to law, we risk legitimising it, with its masculine bias and multiple other forms of oppression. This is why Carol Smart, amongst others, warned feminists against fixating on law as a main site of struggle; stating that in 'accepting law's terms in order to challenge law, feminism always concedes too much' (Smart, 1989, 5). Further, the lure is often to focus on 'this' law or 'that' change, trying to fit the 'solution' into pre-existing procedures, languages and frames (Naffine, 1990). Nancy Fraser expanded this point, arguing that feminist demands can often be co-opted by neoliberal and populist movements which, in turn, deflect feminists from seeking genuine economic and systemic redistributive resolutions (Fraser, 2012).

While these concerns are true for all law, they are particularly apposite when engaging with the criminal law. Indeed, it is such feminist engagement with the criminal law – and specifically deploying the criminal law in challenging violence against women – that has garnered significant opposition in recent years and the development of the anti-carceral feminist critique. This critique comes from those who argue that a feminist focus on criminalisation to tackle sexual violence has been co-opted by a punitive, neo-liberal state seeking to shore itself up by utilising feminist arguments for its own ends (2007, 2012; Bumiller, 2008; Kim, 2018; Gruber, 2020).

As noted above, Elizabeth Bernstein coined the phrase 'carceral feminism' (Bernstein, 2007, 2012) in relation to criminal responses to sex trafficking, identifying the 'drift from the welfare state to the carceral state as the enforcement apparatus for feminist goals' (Bernstein, 2007, 143). Now being used more generally, Mimi Kim suggests that 'carceral feminism' refers to 'pro-criminalization feminist social movement strategies' (Kim, 2018, 221), with others identifying carceral feminists' supposed 'reliance on state-sanctioned punitive justice as a corrective to sexual violence' (Mack & McCann, 2018, 331).

In charting the rise of so-called 'carceral feminism', Kim argues that in seeking to eliminate violence against women, characterising gender violence as a crime 'became a rallying point for feminists to fight for institutional change and to attempt to gain popular support for what was already becoming a preoccupation with crime' (Kim, 2018, 222). This contributed to a shift from 'gender violence envisioned as a broad social and political problem, to one defined more narrowly as a crime' (Kim, 2018, 222). The result is that neoliberal governments gain political advantage through their apparent embrace of feminism (Porter, 2020), enabling them to effect penal toughness 'in a benevolent feminist guise' (Bernstein, 2012, 235). Leigh Goodmark (2018) continues that preferring a criminal justice response absolves the state from having to confront the underpinning structural situations which generate the abuse in the first place. Further, it is not only the problem of mass incarceration of black and minoritised men that has given rise to this critique, but also the criminalisation of vulnerable women, often also black and minoritised, such as through mandatory arrest policies regarding domestic abuse (Goodmark, 2015, 2018; Porter, 2020). It is in this overall context, therefore, that Beth Ritchie argues that feminist support for criminal law reform helped to create the 'prison nation' (Ritchie, 2012).

Black feminists and women of colour in particular, therefore, have challenged criminalisation strategies, arguing for greater understanding of the differential impacts on individuals and groups based on the 'intersections' of race, ethnicity, class, gender and other social categories (Crenshaw, 1991; Hill Collins, 1997). In particular, the vastly differential experiences of black and minoritised women have been documented, demonstrating the 'disproportionate vulnerability to violence among marginalized women' (Kim, 2018, 224). The intersectionality critique also challenges white feminists who have 'ignored and often exacerbated the oppressive and violent conditions of women of color in the United States' (Kim, 2018, 224).

These debates regarding the role and value of the criminal law have intensified since the resurgence of #MeToo in 2017. While Me Too had long been the founding ethos of Tarana Burke's grassroots program working with black and minoritised women and girls experiencing sexual violence and which focused on health, welfare and support, the intensity of the global #MeToo movement after 2017 has raised significant questions about its role in furthering carceral approaches (Chandra & Erlingsdottir, 2021; Fileborn & Loney-Howes, 2019; Kaplan, 2020). For Aya Gruber, #MeToo 'reinvigorated' any declining enthusiasm for law enforcement as 'much of #MeToo discourse is punitive and carceral' (Gruber, 2020, 8–9).

Carceral feminism is also a movement that Angela Davis, Gina Dent, Erica Meiners and Beth Richie describe as being in 'direct political opposition to abolition feminism' (Davis et al., 2022, 107). Growing in strength since #BlackLivesMatter, abolition feminism is part of the broader prison abolition movement (Davis, 1990, 2013; Davis et al., 2022; Brown, 2019; Gilmore et al., 2020; Levine & Meiners, 2020), the essence of which is that organising to end 'gender violence must include work against the prison industrial complex' (Davis et al., 2022, 4). Davis et al. discuss how the 'mainstream anti-violence movement uncritically accepted carcerality as the solution to what women of color activists had long argued was a social justice problem for which the state was partially culpable' (Davis et al., 2022, 107). Carceral feminism, therefore, is said to dominate public discourse and legal reforms, 'despite research that clearly establishes that the carceral regime harms Black and other people of color and marginalised groups' (Davis et al., 2022, 107).

The extent to which these debates resonate beyond their immediate cultural and jurisdictional locales must be considered, though it is difficult to determine. Anti-carceral and abolition feminisms have developed in the particular US context of exceptionally high levels of racism and imprisonment of black and other people of colour. Nonetheless, the cultural dominance of US politics and feminist thinking means that these debates and movements travel widely, resonating in countries such as the United Kingdom due to similar problems of racism and imprisonment (Olufemi, 2020), as well as Australia (Fileborn & Loney-Howes, 2021). Amia Srinivasan reaches the same conclusions as US anti-carceral feminism and applies this to the global context (Srinivasan, 2021).

Nonetheless, differences are discernable, including the US focus on the 'campus rape crisis' (Gruber, 2020, 170) which hinges on very different processes to those in other countries including the UK (Cowan & Munro, 2021). Similarly, analysis of #MeToo as intensifying carceralism is arguably US-dominated, with the worldwide #MeToo movements sparking broader debates including regarding restorative and transformative justice (Chandra & Erlingsdottir, 2021; Peleg-Koriat & Klar-Chalamish, 2020). Nonetheless, while specifics and the level of intensity of debate vary, there is a similar essence to feminist debate across common law, anglophone countries. While wider European debates also engage with key questions around criminalisation and the impact of #MeToo (Burghardt & Steinl, 2021; Wegerstad, 2021), the political context is considerably different, though sometimes showing worrying moves towards greater punitivism (Andersson & Wegerstad, 2022).

2. Responding to anti-carceral feminism: beyond binaries and towards 'continuum thinking'

It is difficult to challenge the strength and ambition of abolition feminism. The extent of racism and the harms of imprisonment are all too evident and real, impacting directly on so many people's everyday lives and futures. Abolition feminism inspires, envisioning a future where oppressions based on race, ethnicity, class, minoritised status, vulnerability, sex, gender and many other characteristics and positions no longer dominate lives and societies. Thus, in responding to anti-carceral feminism, I share the approach of Anna Terwiel who identifies common ambitions across different feminist positions to address sexual violence, and that the criminal justice system and particularly imprisonment are sources of violence and injustice (Terwiel, 2020, 422). Nonetheless, Terwiel eschews the binary choice commonly presented of carceral versus anti-carceral feminism, of engaging with the criminal justice system versus developing community-based justice and accountability mechanisms (Terwiel, 2020, 423). Instead, Terwiel advocates a 'spectrum of decarceration' to encourage a more fluid and nuanced understanding of criminalisation and the role of the state (Terwiel, 2020, 423).

In challenging the binary and polarising nature of some anti-carceral feminism, Terwiel gives the example of Chloe Taylor's work which objects to all feminist law reform as carceral, including changes to criminal sexual offence laws, and supports only feminist projects working independently of the law and state (Taylor, 2018; Terwiel, 2020). Efforts to reform the criminal law, for example, are assumed to be carceral moves towards more criminal convictions (Taylor, 2018). As Terwiel notes, there is no space here for 'progressive engagements with the criminal law' (Terwiel, 2020, 425). Similarly, Judith Levine and Erica Meiners state that 'anti-violence feminists' can 'roughly be divided into two factions: those who want to put abusers and rapists in prison and those who want to abolish prisons and find non punitive, non-violent responses to harm' (Levine & Meiners, 2020, 12). This is unfortunate phrasing, describing 'factions' which suggests an inherent or necessary antagonism, as well as a categorisation as either one or the other.

In also seeking to complicate anti-carceral feminist debates, Amy Masson (2020) calls for a greater recognition of the deeply complex nature of the state and criminal strategies. She suggests the need to be more nuanced in our understanding of neoliberalism, noting that anti-carceral feminists themselves risk being co-opted by the forces of neo-conservatism, with its focus on voluntarism within the community, and privatisation, hastened in times of austerity (Masson, 2020). In this way, the anti-carceral agenda can play into neo-conservative and neo-liberal debates which valorise community responses to society's ills, with little intervention or funding from the state, with the risk of minimising the 'punitive aspects of community' (Masson, 2020, 73). Arguably, the state does have a role and responsibility in targeting and eliminating violence in all its forms, and a solely community or voluntary approach could be seen as relieving the state of such responsibilities. Ultimately, Masson calls for a retreat from 'dichotomies', for us all to move beyond the common resort to discursive 'polarisation' and 'erasure of nuance', and towards a greater recognition of the deeply complex nature of the state and criminal logics (Masson, 2020).

Lise Gotell (2015) has similarly argued that we need to move past criminal law engagements being characterised as 'always regressive and misguided' (56) and offers a 'qualified defence of feminist strategies of law reform' (53). Gotell (2015) focuses on the specific nature of law, arguing that we need a much more nuanced understanding of it; namely recognising 'law as a dis-unified field and as a site of struggle over gender' (61). In other words, we must guard against any simplistic assumption that adopting a law is actually a 'victory', for penal populism, feminism or whatever group supposedly 'won'. Law develops unevenly, is a site of change, but also of struggle and resistance. In this way, the law is 'neither a tool for the realisation of feminist goals', nor it is responsible for 'inevitably reproducing forms of domination' (Gotell, 2015, 61). Gotell (2015) provides the example of the introduction of an affirmative consent standard in Canadian sexual assault laws which produced highly contradictory implications, including the decontextualising of sexual violence, but it also provided a discursive platform for a radical change to victim-blaming narratives (68). In other words, law reform is complicated: not always and inherently negative, or indeed positive.

Underpinning each of these critiques of anti-carceral feminism is the rejection of binaries, challenges to polarisation, and the urge to develop complicated, nuanced understandings of criminal law and criminalisation. This necessary complexity is embodied in what Karen Boyle has termed 'continuum thinking' (Boyle, 2019). Drawing on Liz Kelly's (1988) concept of the 'continuum of sexual violence', which has enabled recognition of the pervasive and interconnected nature of women's experiences of sexual violence, Boyle refers to 'continuum thinking' as a 'means of making connections' (Boyle, 2019, 28) and challenging 'established binaries' and dichotomies (Boyle, 2019, 32). Applying this in the criminalisation context, Linnea Wegerstad identifies continuum thinking as offering an unsettling of the seemingly firmly established boundary of criminal and non-criminal (Wegerstad, 2021). It also offers an approach beyond a binary choice of criminalisation (bad) and non-criminalisation (good); or describing feminist work in the categories of either 'anti' or 'pro' criminalisation (Kim, 2018). In her analysis of 'feminist wars' on sexual harm, Brenda Cossman reminds us that 'feminist contestation is easily reduced to "either/or", rather than ambivalence, partialities or humilities' (Cossman, 2021, 115). Therefore, I suggest that while we must continue to be alive to law's contradictions, unforeseen consequences, and capacity to oppress, marginalise and exclude, 'continuum thinking' may help us to have a more complex debate on the benefits and harms of criminalisation and the criminal law, as well as options for redress and justice, prioritising non-punitive and non-carceral prevention and education.

3. Seeking criminal justice: sexual violence survivors' perspectives on justice

In debating engagements with the criminal justice system and anti-carceral strategies, a key focus needs to be survivors' interests and perspectives on what forms of redress and accountability they seek. In particular, while there is a growing body of research demonstrating varied and nuanced approaches to what constitutes justice, beyond conventional approaches, this must not obscure the reality that for some survivors, criminal justice remains central to their understanding of 'justice'. 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.

To be clear, a considerable range of recent work has revealed the variety and complexity of sexual violence survivors' justice interests.

There is a growing body of work, for example, investigating the use of restorative justice processes for domestic and sexual violence (Daly, 2006; McGlynn et al., 2012; Ptacek, 2010; Westmarland et al., 2018; Zinsstag & Keenan, 2017), with the aim of shifting perceptions away from conventional justice approaches. Further work emphasises transformative justice processes providing the accountability and vindication survivors seek, but without the potentially harmful and traumatising effects of criminal justice systems (Kim, 2018; Dixon & Lakshmi Piepzna-Samarasinha, 2020; Davis et al., 2022; Pali & Canning, 2022). This emphasis on justice as beyond conventional understandings of criminal justice is echoed in research with survivors in many different contexts (Antonsdóttir, 2020; Daly, 2017; Holder, 2015, 2018; Jülich, 2006; Keenan, 2014; Zinsstag & Keenan, 2017).

One study examining justice perceptions more generally developed the concept of 'kaleidoscopic justice' to explain the varied, nuanced, ever-changing experience and understandings of justice for some sexual violence survivors (McGlynn & Westmarland, 2019). This study involved workshops and interviews with twenty-five women living in England who identified as survivors of sexual violence with the aim of investigating their perspectives on what constitutes justice. The women in this study saw justice as entailing recognition of their harms and experiences, as including all manner of different consequences for perpetrators beyond criminal justice systems, as being treated with dignity, as prevention and education initiatives and as a sense of 'connectedness' to their communities through their support. It echoes research by Robyn Holder similarly emphasising justice as a 'vibrant experience' and that survivors' conceptions of justice are 'layered, nuanced and contingent' (Holder, 2015: 195).

This body of research and practice emphasises justice ideas and approaches beyond conventional criminal justice systems, and therefore chimes with the anti-carceral feminist approaches discussed above. It also provides a vital corrective to the dominance of problematic punitive approaches to wrongdoing, as emphasised by the carceral feminist critique. However, it is important to remember that these perspectives do not represent the totality of survivors' ideas of justice. We have to recognise that some survivors do see criminal justice as offering them some sense of justice and we must incorporate this into our strategies for tackling violence against women.

In the research on kaleidoscopic justice, for example, one survivor raised the possibility of the death penalty, another castration (McGlynn & Westmarland, 2019, 187). Another woman contributed that the 'only kind of justice is prison', adding that this was 'not for revenge, it's for my own piece of mind that I wanted things put right' (McGlynn & Westmarland, 2019, 187). In Oona Brooks-Hay's qualitative research with twenty-four women living in Scotland, on why women report sexual violence to the police, a 'few' sought conventional 'punishment', with one survivor reporting to the police 'knowing that I wanted him jailed' (Brooks-Hay, 2020, 183).

Nonetheless, for most other survivors, looking to the criminal justice system is more about rehabilitation, prevention of future harm and a sense of public service and accountability. Returning again to the kaleidoscopic justice study, for example, while some women did equate justice with criminal justice, they were doing so based on ideas of criminal justice as being rooted in re-education, rehabilitation, deterrence and therefore prevention. One woman was clear, for example, that 'justice is a guilty conviction', though she continued that for her the conviction was connected to prevention of further harm. Her aim was 'not to see him rot in prison or anything like that, it was just for it not to happen again' (quoted in McGlynn & Westmarland, 2019, 186–187).

These findings are similar to Brooks-Hay's study where even survivors seeking conventional punishment linked this to preventing further offending (Brooks-Hay, 2020). Similarly, research by the organisation Imkaan, which works with black and minoritised women experiencing abuse in the UK, identified that some survivors wish to 'access justice' via the criminal justice system and that this is an 'important objective for many survivors' (Thiara & Roy, 2020, 6). Despite the difficulties of reporting abuse to the police, including feelings of betrayal of their communities and knowledge of negative experiences, they report that some black and minoritised women did so 'motivated out of a need for justice and protecting other women' (Thiara & Roy, 2020, 39).

Such motivations also exemplify broader social justice aims for engaging with the criminal justice system. Brooks-Hay reports survivors saying they felt they were 'doing the right thing' by engaging with the criminal justice process, aiming to raise awareness and directly challenge the prevalence of sexual violence (Brooks-Hay, 2020). One survivor shared that: 'I don't have a burning desire to punish him. Punishing him isn't gonna change what happened to me. What I have is a burning desire knowing that he's not doing that to other people … I would like to know that my voice might help somebody else' (Brooks-Hay, 2020, 185). These social justice perspectives resonate with Robyn Holder's research where she reports a strong public and community motivation by survivors engaging with criminal justice to ensure offender accountability and recognition of the wrong of violence (Holder, 2018).

Overall, therefore, we need to recognise the totality of survivors' interests and perspectives on justice, and we must accept that some of these justice interests include criminal justice. Bianca Fileborn and Rachel Loney-Howes acknowledge that anti-carceral pledges are complicated by fact that some survivors do seek a criminal justice response (Fileborn & Loney-Howes, 2021). They argue that abolition feminism responds to these arguments by making clear that calls for abolition are focused on a critique of the system, rather than choices of individual survivors (Fileborn & Loney-Howes, 2021; Kaba, 2020). Certainly, Ejeris Dixon, writing from an abolition feminism perspective, speaks eloquently of supporting survivors who report to police, recognising that these are not 'flippant decisions', and at the same time building alternatives so there are different options for others (Dixon, 2020).

Fileborn and Loney-Howes also rightly suggest that we must not take survivors' perspectives 'wholly uncritically or as always inherently progressive' (Fileborn & Loney-Howes, 2021). They note that as there are so few alternatives, it is no surprise that survivors understand justice as via criminal justice systems, since it is so difficult to imagine alternatives. They quote one survivor from Hayley Clark's study who said: 'it's very hard to think outside the system when the system is what you've got' (Clark, 2010, 30; Fileborn & Loney-Howes, 2021). This exemplifies Julia Downes's argument that the dominance of the criminal legal imagination can crowd out creative and transformative responses (Downes, 2019). In addition, survivors' perspectives will be mediated through their own positions of privilege or marginalisation. In particular, engagement with the state and criminal justice agencies is more likely understood as offering a possibility of justice for those who are white and of other privileged statuses. The women survivors in both the kaleidoscopic justice and Brooks-Hay's study were all white, and it is known that black and minoritised women have far greater experiences of injustice when engaging with criminal justice processes (Thiara & Roy, 2020). Nonetheless, the picture is complicated, as the research by Imkaan identified (Thiara & Roy, 2020). Listening to the voices of all survivors presents a complicated picture and one that suggests embracing a range of responses and approaches.

4. Embracing complexity and 'continuum thinking' in feminist anti-violence activism

Complexity is also reflected in the everyday practices of many anti-violence feminist organisations working in the tricky terrain of supporting survivors in the criminal justice context, while at the same time rejecting its fundamental premises and effects. The following examples from the United Kingdom are offered as potentially exemplifying 'continuum thinking' in this area, where nuance and compromise are embedded in practices seeking to support survivors and ameliorate the worst harms of criminal justice systems, at the same time as demanding fundamental change.

As with the United States, in the UK there are similar problems of high levels of imprisonment of black and minority ethnic men (Prison Reform Trust, 2019), as well as black and minoritised women experiencing considerable levels of violence, abuse and marginalisation in the justice system (Imkaan, 2020; Thiara & Gill, 2010; Uhrig, 2016; Sisters for Change, 2017; Thiara & Roy, 2020). Engaging with the criminal law, and criminal justice system, therefore, does raise familiar concerns to those in the US about the potential adverse impacts on marginalised communities. Therefore, as Day and Gill (2020) argue, an intersectional perspective must recognise that any intervention, such as criminalisation, will not be experienced by groups in the same way. Intersectional scholars, they note, have 'warned of the dangers associated with mainstream feminism's assumption that all women face a similar risk of gendered violence and, therefore, require the same responses in practice and policy terms' (Day & Gill, 2020, 846). Day and Gill's analysis shifts us away from an anti-carceral feminist analysis which precludes any interventions or partnerships with criminal justice agencies, towards one which emphasises that it is 'imperative' that a critical intersectional analysis is central to the 'introduction and evaluation of new criminal justice policies' (Day & Gill, 2020, 846).

In the same spirit, a recent report co-authored by Imkaan, which supports black and minoritised women experiencing violence and abuse, and other feminist organisations into the 'decriminalisation of rape', called for nothing less than the 'transformation of the criminal justice system' (Centre for Women's Justice et al., 2020). The report detailed both the failings of the criminal justice system and made specific recommendations to institute radical reform (Centre for Women's Justice et al., 2020). This followed from an earlier Imkaan report on the experiences and perspectives of minoritised women regarding the criminal justice process, providing a devastating critique of the injustices of the current criminal justice system and reform proposals (Thiara & Roy, 2020).

While engaging with the criminal justice system and reform processes, at the same time, in the same reports, Imkaan and others are clear that any interaction with the criminal justice system must be understood in the context of 'institutional racism', the 'over-policing' of black and minority ethnic communities and the specific disadvantages and discrimination facing black and minoritised women in the criminal justice context (Thiara & Roy, 2020, 6). Further, it is noted that the 'challenges posed by gender-based violence for the criminal justice system' require a 'deeper understanding of the wide-ranging and intersecting and structural inequalities that drive it' (Centre for Women's Justice et al., 2020, 9). Indeed, in reality, the 'criminal justice system can itself reproduce the very violence it seeks to address' (Centre for Women's Justice et al., 2020, 58).

As well as recommendations for reforming the criminal justice system, these reports note the 'renewed calls for a social justice and community-based approach to violence against women and girls from black and minoritised communities' (Centre for Women's Justice et al., 2020, 58). Similarly, in response to UK Government proposals to enhance criminal justice responses to domestic abuse, Imkaan together with other feminist organisations, advocated a shift from such an approach towards the sustained and significant resourcing of support services and the 'importance of a response embedded in prevention, provision and protection in a holistic way' (Imkaan, 2018, 7).

Such holistic approaches may necessitate shorter-term engagements with criminal justice. Rahila Gupta, for example, has written that while the police are not an effective response to violence against women and that ultimately solutions to patriarchy need to be found, 'meanwhile there are women who are being beaten, killed and need support to escape violent men; often police intervention is needed' (Gupta, 2020). Gupta writes that the UK organisation Southall Black Sisters, which has been supporting black and minoritised women experiencing violence for decades, has been doing 'intersectionality differently', working with the police where necessary, but holding them to account where possible (Gupta, 2020). She notes that they 'negotiate the minefield of conflicting priorities of race and gender by engaging with the police to safeguard women'. She also expresses concerns with some 'community' solutions because many women come to Southall Black Sisters 'as a last resort when family, community, elders, all the classic instruments of support, have not only failed to remedy the situation but reinforced it' (Gupta, 2020). Furthermore, she argues, 'communities cannot be held accountable in the same way as the state' (Gupta, 2020).

Holding the state accountable is also at the root of larger-scale inquiries into violence and abuse, such as the Canadian report of the national inquiry into missing and murdered indigenous women and girls (National Inquiry, 2019). The inquiry took evidence from hundreds of survivors and families, embedding indigenous perspectives into its practices and final report which called for nothing less than an 'absolute paradigm shift' (National Inquiry, 2019, 60). In recommending the transformation of all laws, policies and practices impacting on indigenous women and girls, the report proposed reforms to the criminal law and criminal justice system, all of which were stated as necessary to fulfil the 'right to justice' (National Inquiry, 2019). Criminal justice reforms, therefore, were only one small part of the overall approach, but they still played a role in the conception of 'justice' and what was necessary for change.

What we can see in these examples is critical engagement with current systems, while at the same time being clear about the need for radical and transformative reforms. In other words, multiple approaches are simultaneously required (Thiara & Roy, 2020). This means 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. At the very same time, these reports and studies are clear that criminal justice systems have systemic problems and are responsible for retraumatising survivors and causing considerable harms. The emphasis is resolutely on sustainable resourcing for support services and development of redress approaches beyond the criminal justice system, including civil law and community-based resolutions; but not to the exclusion of seeking transformation of criminal justice systems or supporting survivors in their specific searches for justice. This complexity and 'continuum' approach is reflected in some abolition feminism, with Davis et al. (2022) stating that their intersectional approach embraces a 'both/and perspective moving beyond binary either/or logic' (3). They explain this may mean, for example, supporting survivors while holding perpetrators accountable, mobilizing in outrage against rape and rejecting increased policing (Davis et al., 2022, 3). It is to be hoped that this recognition of the need to move beyond binaries, and the need to embrace complexity, is extended to all those engaging in work to end violence against women.

5. Defending law reform and the criminalisation of 'new' harms

Thus far, I have suggested that while anti-carceral feminism is rightly concerned with the harms of criminal justice systems, an approach which both engages with the criminal justice system, at the same time as seeking radical change, may better meet some survivors' interests. This could be an argument about supporting survivors at this time, while still pursuing an overall strategy of decarceration. In that way, it would chime with some abolition feminists who support reforms that move towards abolition, such as eliminating the death penalty and reducing prison sentences (Cossman, 2021, 176). Similarly, Fileborn and Loney-Howes argue that it is an 'ethical imperative' to mitigate the harms caused to survivors by the criminal justice system, as many do report to police, though with the caveat, 'provided that these reforms do not expand carceral logics' (Fileborn & Loney-Howes, 2021). The challenge here is the balance between what might constitute changes that 'mitigate harms' and what contributes to 'carceral logics'. Improvements to police or prosecutorial practices that make investigations more effective, swifter, and more understanding of survivors' trauma, are changes that are advocated to mitigate harms of the current system, but are also

aimed at reducing case attrition and may result in more convictions. It is not clear where the boundaries lie.

However, my argument also challenges more central aspects of anti-carceral feminism, particularly the objection to criminalising emerging forms of abuse. I also suggest that in being so determined to resist law reform, some anti-carceral feminism reifies deeply problematic assumptions about existing criminal law categories, as well as reinforcing concerning myths and assumptions about sexual violence. For example, Aya Gruber expresses concern with feminists who are 'punitive' about 'gendered offences, even minor ones like over-the-clothes sexual contact' (Gruber 2020, 5). She discusses sexual offences in terms of the 'extreme' of 'violent rape' to the 'seemingly mundane (wolf-whistling and overenthusiastic hugging)' (Gruber 2020, 8); she also refers to 'forcible rape' (Gruber 2020, 11). In terms of criminalisation, Gruber suggests #MeToo has called for the criminalisation of 'workplace sex, sexting, non-consensual pornography, clandestine condom removal ("stealthing"), emotionally coercive relationships, and the list goes on' (Gruber 2020, 197). She continues that to 'seriously criminalize any one of these would have far-reaching' adverse effects (Gruber 2020, 197). She then characterises these behaviours as 'bad internet behaviour, and problematic relationships' (Gruber 2020, 197) and calls on us to 'challenge the instinct that calling for criminalization is the only way to express disapproval of such misconduct' (Gruber 2020, 197).

There are many concerns with these statements and approach to criminalisation debates. There is a conflation of consensual (sexting) and non-consensual (non-consensual pornography) activity which is concerning and surprising. There is the minimisation of behaviours that can be seriously harmful, including being life-threatening, such as non-consensual pornography and coercive abuse, reduced to 'bad internet' behaviour and 'bad' relationships. Even if criminalisation is not the answer (and there is particular debate on this issue regarding coercive control (see for example Walklate & Fitz-Gibbon, 2021)), to minimise it in this way is deeply problematic and does no service to women who have experienced such abuses and shared their experiences.

Not only does this approach minimise the abuse many women experience, but it also suggests a worrying hierarchy of harms. 'Forcible' rape is worse than other forms of rape; physical domestic abuse is worse and more serious than 'emotionally coercive' relationships; 'over-the-clothes' unwanted touching is 'minor'. What is troubling is that these assumptions themselves reproduce some of the very tropes that feminists have been challenging for decades in seeking greater understanding of violence against women. They also run counter to understandings of women's experiences of violence as being on a 'continuum', a concept developed by Liz Kelly (1988) to explain the inter-relationships between different forms of sexual violence and to challenge the notion of a hierarchy of sexual offences. Her predominant concern was to provide the conceptual tools by which women's experiences of men's violence could be better understood, as they were (and still are) not reflected in the 'legal codes or analytic categories' of existing research (Kelly, 1988, 74). Gruber's (2020) approach reproduces and solidifies existing categories and criminal codes, entrenching assumptions and approaches which have been the subject of sustained critique for decades.

As well as reproducing stereotypes and a hierarchy of harms, Gruber says that she is asking feminists to 'adopt an unconditional stance against criminalization, no matter the issue' (Gruber 2020, 197) and that feminists 'should not propose new substantive offenses or higher sentences for existing gender crimes' (Gruber 2020, 18). If we take a concrete example, the clear implication of Gruber's analysis is that the non-consensual sharing of sexual images should not be criminalised. In recent years, most states in the US (where Gruber's analysis is focused) have introduced laws criminalising some forms of this conduct, as part of a global movement that recognises the potentially serious harms of such abuse (Eaton & McGlynn, 2020; Franks, 2017). Similar laws have been introduced across the world, in this field as well as other forms of online abuse including taking images without consent up women's skirts ('upskirting'), cyberflashing (distributing penis images without consent) and deepfake pornography (taking and/or distributing altered sexual images without consent).

In each area, new laws have commonly been adopted following high-profile campaigns, often with survivors speaking out and sharing their experiences of devastating and sometimes life-threatening harms. While Tanya Serisier (2018) suggests that the ability to 'speak out' relies on 'dominant narratives of race and class' (90), and that the privileged speaking out play into 'real rape' narratives and the 'carceral horizon' that ultimately reinforce existing stereotypes and oppressions (Serisier, 2018, 89), it might also be that speaking out about emerging forms of abuse, such as intimate image abuse, challenges 'real rape' stereotypes, revealing the myriad ways in which women experience abuse, including online and via emerging technologies. While many such campaigns have led to criminal law changes, the anti-carceral feminist response is that there are other ways of recognising the harms and challenging these behaviours, and indeed it is vital that legal changes are accompanied by broader preventative and educative initiatives.

What is less clear though is why women who have experienced online abuse such as intimate image abuse are not entitled to have their views considered, or their abuses criminalised providing one option for redress, but any woman whose experience is already a criminal offence, perhaps a physical sexual assault which has long been considered criminal conduct, can seek redress through the criminal justice system. The privileging of existing criminal offences and harms risks reinforcing current criminal law categories and conventions which fail to understand and recognise women's experiences, and how abuse has evolved, particularly with new technology (McGlynn & Johnson, 2021). Intimate image abuse is just one example of emerging forms of abuse that are slowly being recognised, with survivors and others seeking criminal redress. Another is the growing awareness of the abuse involved in many obstetric procedures, including unauthorised intimate examinations, experiences which have also been met with calls for criminal laws to be clarified and enforced (Pickles, 2020). Reform in these contexts addresses a form of hermeneutical injustice faced by survivors whose experiences are not recognised (Fricker, 2007; Giladi, 2018); where victim-survivors struggle to be understood in a society where violence against women is trivialised and minimised, and therefore struggle to understand, narrate and name what has happened to them.

These debates over creating new criminal offences emphasise that existing categories of criminal law were not designed with women's experiences of harm to the fore. Therefore, while the anti-carceral feminist rejection of criminalisation chimes with similar concerns about 'over-criminalisation' (Husak, 2008) more generally, what is neglected is that society has tended to 'under-criminalise' harms primarily experienced by women (Franks, 2017, 1305). Another example is that many forms of harassment are criminalised, generally those traditionally associated with the public sphere, rather than the more personal, targeted harassment such as forms of online abuse, predominantly experienced by women. Therefore, while the criminal law does already address *some* forms of harassment, the question becomes whether the current myopic coverage should remain, or whether an understanding that better reflects some women's experiences is preferable.

Therefore, while anti-carceral feminism is seeking to reduce harm and violence by disengaging with the state and criminal justice systems, it risks reifying the criminal law status quo, without opportunity for change or reform. It risks setting in stone historical, often highly stereotypical, assumptions about the nature and extent of sexual violence. And it does not explain why some survivors are able and entitled to pursue redress through criminal justice systems, but not those who experience 'newer' forms of abuse.

6. Transforming criminal justice practices and outcomes

While defending some criminalisation efforts, my argument is also based on reimagining the implications of criminalisation, shifting away from conventional understandings of punishment. In essence, this is an

argument about breaking the bind between criminal law and punitivism. As Dianne Martin has argued, we must shift discourse and policy away from the dominant approach which 'equates recognition of harm with the length of a prison sentence' (Martin, 1998: 170). The effect of this approach is that 'criminal justice responses which are not punitive are seen to be unresponsive to victims'/women's harms' (Martin, 1998, 170). Similarly, Alan Norrie (2005) writes of the problem of the assumed 'penal equation' which requires that 'crime plus responsibility equals punishment' (75). The argument is that crime plus responsibility need not lead inexorably towards punishment, but can be about recognition, prevention and a variety of alternative consequences (McGlynn & Westmarland, 2019). This echoes Lise Gotell (2015) who talks of the need to combine a critical analysis of criminal law with 'renewed attention to diverse extra-legal strategies that would re-politicise the problem of sexual assault and offer alternative responses' (67). This is because 'feminists have pursued law reform strategies to gain recognition of the harms caused by sexual assault, not to punish and incarcerate perpetrators' (Gotell, 2015, 69). This is echoed by Mary Ann Franks (2017) who writes that criminalisation is 'not synonymous with incarceration, and incarceration is not synonymous with mandatory minimums or lengthy sentences' (1302). In specific terms, this would mean criminalising particular conduct - signalling the wrongdoing, harm and need for redress - but without that redress inevitably being carceral, punitive punishment.

Criminalisation and criminal justice, therefore, does not preclude alternatives to carceral punishment (Terwiel, 2020). Indeed, recognising the justice interests of survivors of sexual violence requires us to engage with a whole range of 'consequences' for perpetrating harm, particularly non-punitive responses and forms of redress (McGlynn & Westmarland, 2019; Daly, 2014; Herman, 2005; Holder, 2015). This may entail greater use of rehabilitative programs, educative initiatives, community-based outcomes (Cossman, 2021). It might include, for example, restorative and transformative justice approaches which may or may not be connected to specific criminal justice processes. For those linked to criminal justice processes, more innovative approaches that do not focus on imprisonment, and that may shift the emphasis away from retribution and punitivism, towards recognition, rehabilitation and victim participation may also encourage new ways of understanding harm (Terwiel, 2020).

The extent to which such approaches would remove or at least ameliorate the many injustices of current systems is not yet knowable as so few have been tried. Nonetheless, just as we do not (yet) know what society would look like without carcerality playing a central role, we find it a challenge to envisage a criminal justice system that does not have incarceration at its heart. Imagination is needed from all those seeking less harmful ways of tackling violence against women, whether it be from a perspective of criminal justice reform or prison abolition.

7. Conclusions

While Carol Smart warned against the siren call of law, she also reflected that de-centring law did not mean ignoring or abandoning it as a site of struggle (Smart, 2012, 162). That is, even if we choose to disengage, law's power is not diminished. Law will continue to shape, influence and determine much of our lives, whatever strategy we adopt. Therefore, without change, the law will continue to neglect and marginalise the harms experienced by women, failing to recognise them or provide redress. Engaging with the law, therefore, is a complex equation: seeking to harness its transformative power, while resisting its capacity to distract and reinforce disadvantage. If engaging with the criminal law and criminal justice system, we must always be alive to the risks of criminalisation, particularly if seen as synonymous with punitive sanctions. We must also fully recognise the uneven application of the law, with particularly marginalising impacts on black and minoritised communities.

My aim is to encourage a complicated and nuanced approach to criminalisation which recognises both a role for criminal justice *and* alternatives; which listens to the voices of *all* survivors, including those whose understanding of justice includes criminal justice; and which is fully alive to the risks and challenges that *all* justice approaches entail, whether state or community based. It is an approach that would benefit from embracing 'continuum thinking', embedding ambiguity, nuance and complexity in all debates and strategies. This is a call to imagine a future where criminal law might be one part of a more holistic approach to violence against women; a criminal justice system that is not predicated on punitivism and punishment, but rehabilitation and accountability, and where incarceration is not synonymous with criminalisation. Radical transformation of criminal justice systems may not be soon coming, but can be imagined, and in supporting survivors' kaleidoscopic visions of justice, we can work towards that goal.

Acknowledgements

The ideas put forward in this article benefited from supportive and engaging discussions at the workshop *The #MeToo Movement and its Aftermath* organised by the Faculty of Law, Lund University in September 2021. I would particularly like to thank Ulrika Andersson, Linnea Wegerstad, Lena Karlsson and Lise Gotell for their valuable comments. My thanks are also due to Fiona Vera-Gray for her insightful discussions on this topic which have shaped my approach and arguments. Finally, I would like to thank the two anonymous referees for their encouraging and valuable comments on an earlier version of this article.

This research is funded in part by a grant from the Marianne and Marcus Wallenberg Foundation entitled *The #MeToo Momentum and its Aftermath: Digital Justice Seeking and Societal and Legal Responses* (Professor Ulrika Andersson, Lund University, PI).

References

Andersson, U., & Wegerstad, L. (2022). *Don't raise the minimum sentence for rape.* Sydsvenskan 30 March 2022 available at "Don't raise the minimum sentence for rape." – Sydsvenskan (google translation).
Fjola, A. H. (2020). Injustice disrupted: Experiences of just spaces by victim-survivors of sexual violence. *Social & Legal Studies, 29*(5), 718–744.
Bernstein, E. (2007). The sexual politics of the "New Abolitionism". *Differences, 18*, 128–151.
Bernstein, E. (2012). Carceral politics as gender justice? The "Traffic in Women" and neoliberal circuits of crime,sex, and rights. *Theory and Society, 41*, 233–259.
Boyle, K. (2019). What's in a name? Theorising the inter-relationships of gender and violence. *Feminist Theory, 20*(1), 19–36.
Brooks-Hay, O. (2020). Doing the "right thing"? Understanding why rape victim-survivors report to the police. *Feminist Criminology, 15*(2), 174–195.
Brown, A. (2019). *Pleasure activism: The politics of feeling good.* Chicago: AK Press.
Bumiller, K. (2008). *In an abusive state: How neoliberalism appropriated the feminist movement against sexual violence*. Durham, NC: Duke University Press.
Burghardt, B., & Steinl, L. (2021). Sexual violence and criminal justice in the 21st century. *German Law Journal, 22*, 691–702.
Centre for Women's Justice. (2020). End violence against women coalition, Imkaan, and rape crisis England & Wales. In *The decriminalisation of rape*. available at: 2020+|+The+Decriminalisation+of+Rape.pdf (squarespace.com).
Chandra, G., & Erlingsdottir, I. (2021). *Routledge handbook of the politics of the #MeToo movement.* Routledge.
Clark, H. (2010). What is the justice system willing to offer?Understanding sexual assault victim/survivor' criminal justice needs. *Family Matters, 85*, 28–37.
Cossman, B. (2021). *The new sex war s: Sexual harm in the #MeToo era*. New York: New York University Press.
Cowan, S., & Munro, V. (2021). Seeking campus justice: Challenging the 'criminal justice drift' in United Kingdom university responses to student sexual violence and misconduct. *Journal of Law and Society, 48*(3), 308–333.
Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review, 43*(6), 1241–1299.
Daly, K. (2006). Restorative justice and sexual assault - An archival study of court and conference cases. *British Journal of Criminology, 46*, 334.
Daly, K. (2014). Reconceptualizing sexual victimization and justice. In I. Vanfraechem, et al. (Eds.), *Justice for victims: Perspectives on rights, transition and reconciliation* (pp. 378–395). Oxford: Routledge.
Daly, K. (2017). Sexual violence and victims' justice interests. In E. Zinsstag, & M. Keenan (Eds.), *Restorative responses to sexual violence - Legal, social and therapeutic dimensions* (pp. 108–139). Oxford: Routledge.
Davis, A. (1990). *Women, culture and politics*. New York: Vintage Books.

Davis, A. (2013). *Feminism and abolition: Theories and practices for the 21st century*. University of Chicago. May 2013.
Davis, A., Dent, G., Meiners, E., & Richie, B. (2022). *Abolition. Feminism. Now*. Hamish Hamilton.
Day, A., & Gill, A. (2020). Applying intersectionality to partnerships between women's organizations and the criminal justice system in relation to domestic violence. *British Journal of Criminology, 60*(4), 830–850.
Dixon, E., Piepzna-Samarasinha, L., & Leah.. (2020). *Beyond survival: Strategies and stories from the transformative justice movement*. Chicago, CA: AK Press.
Dixon, E. (2020). Building community safety – Practical steps toward liberatory transformation. In E. Dixon, L. Piepzna-Samarasinha, & Leah (Eds.), *Beyond survival: Strategies and stories from the transformative justice movement* (pp. 15–25). Chicago, CA: AK Press.
Downes, J. (2019). Re-imagining an end to gendered violence: Prefiguring the worlds we want. In E. Hart, J. Greener, & R. Moth (Eds.), *Resist the punitive state: Grassroots struggles across welfare, housing, education and prisons*. London: Pluto Press.
Eaton, A., & McGlynn, C. (2020). The psychology of nonconsensual porn: Understanding and addressing a growing form of sexual violence. *Policy Insights From the Behavioral and Brain Sciences, 7*, 190–197.
Fileborn, B., & Loney-Howes, R. (2019). *#MeToo and the politics of social change*. Palgrave.
Fileborn, B., & Loney-Howes, R. (2021). *'Carceral feminism in Australia: Activism, victim-survivors and justice', paper presented at workshop The #MeToo Movement and its Aftermath, Faculty of Law, Lund University, September 2021*.
Franks, M. A. (2017). Redefining 'revenge porn' reform: A view from the front lines. *Florida Law Review, 69*(5), 1251–1337.
Fraser, N. (2012). In *Feminism,capitalism, and the cunning of history* (pp. 2–4). HAL.
Fricker, M. (2007). *Epistemic Injustice: power and the ethics of knowing*. Online: Oxford University Press.
Giladi, P. (2018). Epistemic injustice: A role for recognition. *Philosophy and Social Criticism, 44*(2), 141–158.
Gilmore, R., Gordon, A., & Davis, A. (2020). Abolition feminism. In B. Bhandar, & R. Zidah (Eds.), *Revolutionary feminisms: Conversations on collective action and radical thought* (pp. 159–216). London: Verso.
Goodmark, L. (2015). "Law and justice are not always the same": Creating community-based justice forums for people subjected to intimate partner abuse. *Florida State University Law Review, 42*, 707.
Goodmark, L. (2018). *Decriminalising domestic violence*. Berkley, CA: University of California Press.
Gotell, L. (2015). Reassessing the place of criminal law reform in the struggle against sexual violence. In A. Powell, N. Henry, & A. Flynn (Eds.), *Rape justice* (pp. 53–71). London: Palgrave Macmillan.
Gruber, A. (2020). *The feminist war on crime – The unexpected role of women's liberation in mass incarceration*. Oakland: University of California Press.
Gupta, R. (2020). *Why abolishing the police and turning to the community won't protect women*. The Independent, 21 June 2020, available at: Why abolishing the police and turning to the community won't protect women | The Independent | The Independent.
Herman, J. (2005). Justice from the victim's perspective. *Violence Against Women, 11*(5), 571–602.
Hill Collins, P. (1997). Comment on Hekman's "Truth and Method: Feminist Standpoint Theory revisited": Where's the power? *Signs, 22*, 375–381.
Holder, R. (2015). Satisfied? Exploring victims' justice judgments. In D. Wilson, & S. Ross (Eds.), *Crime, victims and police: International contexts, local experiences* (pp. 184–213). Basingstoke: Palgrave Macmillan.
Holder, R. (2018). *Just interests – Victims, citizens and the potential for justice*. Cheltenham: Edward Elgar.
Husak, D. (2008). *Overcriminalization*. New York: Oxford University Press.
Imkaan. (2018). *From the margin to the centre: Addressing violence against women and girls Alternative Bill October 2018*. available at: 2018+|+Alternative+Bill+Background+Paper.pdf (squarespace.com).
Imkaan. (2020). *The impact of the dual pandemic's: Violence against women & girls and COVID-19 on Black and minoritised women & girls*. London: Imkaan. available at: Imkaan Position Paper Series (1) (filesusr.com).
Jülich, S. (2006). Views of justice among survivors of historical child sexual abuse. *Theoretical Criminology, 10*(1), 125–138.
Kaba, M. (2020). *We do this 'til we free us: Abolitionist organizing and transformative justice*. Chicago: Haymarket Books.
Kaplan, M. (2020). Reconciling #MeToo and criminal justice. *Ohio StateJournal of Criminal Law, 17*, 361.
Keenan, M. (2014). *Sexual trauma and abuse: Restorative and transformative possibilities?* Dublin: University College Dublin.
Kelly, L. (1988). *Surviving sexual violence*. Cambridge: Polity.
Kim, M. (2018). From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration. *Journal of Ethnic & Cultural Diversity in Social Work, 27*(3), 219–233.
Levine, J., & Meiners, E. (2020). *The feminist and the sex offender: Confronting sexual harm, ending state violence*. London: Verso.
Mack, A., & McCann, B. (2018). Critiquing state and gendered violence in the age of #MeToo. *Quarterly Journal of Speech, 104*, 329–344.
Martin, D. (1998). Retribution revisited: A reconsideration of feminist criminal law reform strategies. *Osgoode Hall Law Journal, 36*, 151.
Masson, A. (2020). A critique of anti-carceral feminism. *Journal of International Women's Studies, 21*(3), 64–76.
McGlynn, C., & Westmarland, N. (2019). Kaleidoscopic justice: Sexual violence and victim-survivors'perceptions of justice. *Social and Legal Studies, 28*(2), 179–201.
McGlynn, C., Westmarland, N., & Godden, N. (2012). "I just wanted him to hear me": Sexual violence and the possibilities of restorative justice. *Journal of Law and Society, 39*(2), 213–240.
McGlynn, C., & Johnson, K. (2021). *Cyberflashing: Recognising harms, reforming laws*. Bristol: Bristol University Press.
Naffine, N. (1990). *Law and the sexes: Explorations in feminist jurisprudence*. Sydney, N.S. W; Boston, Mass: Allen & Unwin.
Olufemi, L. (2020). *Feminism interrupted: Disrupting power*. London: Pluto Press.
Pali, B., & Canning, V. (2022). Challenging co-optive criminalisation: Feminist-centred decarceration strategies for interpersonal and sexualised violence. *Howard Journal of Criminal Justice, 61*, 68–86.
Peleg-Koriat, I., & Klar-Chalamish, C. (2020). The #MeToo movement and restorative justice: Exploring the views of the public. *Contemporary Justice Review, 23*(3), 239–260.
Pickles, C. (2020). When "battery" is not enough: exposing the gaps in unauthorised vaginal examinations during labour as a crime of battery. In C. Pickles, & J. Herring (Eds.), *Women's birthing bodies and the law: Unauthorised intimate examinations, power and vulnerability*. Oxford: Hart.
Porter, A. (2020). *Prosecuting domestic abuse in neoliberal times: Amplifying the survivor's voice*. Palgrave MacMillan.
Prison Reform Trust. (2019). *Prison: The facts*. London: Prison Reform Trust.
Ptacek, J. (Ed.). (2010). *Restorative justice and violence against women*. Oxford: Oxford University Press.
National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming power and place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. available at: Imkaan Position Paper Series (1) (filesusr.com).
Norrie, A. (2005). *Law and the beautiful soul*. London: Glasshouse Publishing.
Ritchie, B. (2012). *Arrested justice: Black women, violence and American's prison nation*. New York: New York University Press.
Serisier, T. (2018). *Speaking out: Feminism, rape and narrative politics*. Palgrave Macmillan.
Sisters for Change. (2017). *Unequal regard, unequal protection - Public authority responses to violence against Black and Minority Ethnic women in England*. London: Sisters for Change.
Smart, C. (1989). *Feminism and the power of law*. London: Routledge.
Smart, C. (2012). Reflection. *Feminist Legal Studies, 20*, 161–165.
Srinivasan, A. (2021). *The right to sex*. London: Bloomsbury Press.
Taylor, C. (2018). Anti-carceral feminism and sexual assault – A defense.A critique of the critique of the critique of carceral feminism. *Social Philosophy Today, 34*, 29–49.
Terwiel, A. (2020). What is carceral feminism? *Political Theory, 48*(4), 421–442.
Thiara, R., & Gill, A. (2010). *Violence against South Asian women*. London: Jessica Kingsley Publishers.
Thiara, R., & Roy, S. (2020). *Reclaiming voice*. London: Imkaan.
Uhrig, N. (2016). *Black, Asian and Minority Ethnic disproportionality in the criminal justice system in England and Wales*. London: Ministry of Justice.
Walklate, S., & Fitz-Gibbon, K. (2021). Why criminal coercive control? The complicity of the criminal law punishing women through furthering the power of the state. *International Journal for Crime, Justice and Social Democracy, 10*(4), 1–12.
Wegerstad, L. (2021). Theorising sexual harassment and criminalisation in the context of Sweden. *Bergen Journal of Criminal Law and Criminal Justice, 9*(2), 61–81.
Westmarland, N., McGlynn, C., & Humphreys, C. (2018). Using restorative justice approaches to police domestic violence and abuse. *Journal of Gender-Based Violence, 2*(2), 339–358.
Zinsstag, E., & Keenan, M. (2017). *Restorative responses to sexual violence*. London: Routledge.